

THIRTEENTH DAY

(Continued)

(Tuesday, February 20, 1934)

The House met at 10 o'clock a. m., and was called to order by Speaker Stevenson.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Great Falls, Mont.,
February 15, 1934.

House of Representatives, State of Texas, Austin, Texas.

Gentlemen: This will acknowledge receipt of a copy of your Resolution No. 4 adopted by yourselves in memory of my mother, together with the letter of February seventh, written by the Chief Clerk of your Honorable Body. Words cannot adequately express my appreciation for your kindness and thoughtfulness.

Sincerely,

J. M. WELLS.

SENATE BILL NO. 3 ON SECOND READING

The Speaker laid before the House, as pending business, the motion by Mrs. Hughes to suspend the regular order of business, for the purpose of taking up, for consideration at this time, Senate Bill No. 3.

Question recurring on the motion, it prevailed.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 3, A bill to be entitled "An Act relating to the granting of relief in certain cases during the emergency declared to exist, from inequitable sales under deeds of trust and inequitable foreclosures of vendor's liens and execution sales of real estate, and providing for the postponement of certain sales, and providing for the temporary creation of a period of redemption of real estate following the forced sale thereof, and providing for the jurisdiction and procedure of such relief and for the right to possession during such redemption period, and limiting the right to maintain actions for deficiency judgments; and providing further for amending House Bill No. 231, Chapter 102,

page 225, General Laws, passed at the Regular Session of the Forty-third Legislature, State of Texas, and declaring an emergency."

The bill was read second time.

Mr. Greathouse offered the following amendment to the bill:

Amend Senate Bill No. 3 by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. From the effective date of this Act until May 1, 1935, the judges of the several district courts having civil jurisdiction in this State, in addition to the powers heretofore exercised, are hereby authorized to grant continuances and stays of execution in all suits instituted for the purpose of foreclosing liens upon real property and to grant writs of injunction restraining the sale of real property under powers created by deeds of trust or other contracts, and to restrain sales under executions and orders of sale issued out of any court in this State, when it shall be made to appear by verified motion or petition or from evidence adduced upon a trial on the merits or on ex parte or preliminary hearing as follows:

"(a) That the defendant or the relator is financially unable to pay the same or any part thereof.

"(b) That a sale of the incumbered property under deed of trust or under process of the court or a sale of the property seized under execution would result in an unfair, unjust, and inequitable financial loss to the defendant or relator; and would not be unfair, unjust, and inequitable to the creditor taking into consideration the financial condition of all parties.

"(c) That the value of the property involved is substantially in excess of the amount of the debt demanded.

"(d) That the property will probably sell for substantially less than its value if a sale under deed of trust, order of sale, or execution is held in due course.

"(e) That the defendant or relator will not permit the property to be abused, ill-treated or mismanaged, and that such property will be managed, controlled, and cared for properly during the pendency of the suit.

"(f) That there is a reasonable expectation that the indebtedness will be materially reduced or that a substantial amount thereof will be refinanced within a reasonable time.

"(g) That the defendant or relator will pay into court for application by the clerk on the indebtedness a sum equal to the actual rentals collected, if such property be urban property or business property, and that if the property be rural or farm property, that the defendant or relator will duly assign and convey to the creditor the usual and customary rents and revenues from such property.

"(h) That neither the indebtedness demanded nor the lien securing same has been renewed or created since May 1, 1933.

"(i) That the lien sought to be foreclosed was not created to secure in whole or in part, any indebtedness for money or property procured by misrepresentation, fraud, defalcation, or embezzlement.

"Sec. 2. When answer is due in a cause of action instituted to foreclose a lien on real property, the defendant may file a verified motion for continuance, embracing allegations covering the details contained in Section 1 of this Act, and the court shall then order the cause continued for such time as may be deemed sufficient to secure such equitable relief, but not beyond May 1, 1935.

"Sec. 3. When there is a threatened foreclosure of a deed of trust lien that was outstanding prior to May 1, 1933, and that has not been renewed or extended since that time, or when a sale of real property under execution or order of sale is threatened the judge of the district court of the county in which the land or a part thereof is situated, or the judge of the court from which the execution or order of sale is issued, upon presentation of a verified petition embracing allegations covering the conditions contained in Section 1 hereof, may, in his discretion, issue an order temporarily restraining the sale under the deed of trust, order of sale or execution. In such cases the judge shall set for a hearing on the petition within ten (10) days from the date of the restraining order, and shall cause notice to be given to the parties against whom complaint is made in the manner now provided by law, and upon such hearing, if the allegations in the petition are found to be true, the judge may, in his discretion, grant a temporary injunction restraining the sale for a reasonable time, not beyond May 1, 1935.

"Sec. 4. Where it is made to appear to the court that the proper pro-

tection of the property and the rents and revenues to be derived therefrom can be better served by the appointment of a receiver to take charge of and manage and control the property during the period for which any cause may be continued or the period for which a stay of execution or an injunction shall be effective, the court shall be authorized to appoint some suitable person to act as receiver of such property and to manage and control, and same under the orders of the court, and make such distribution of the rents and revenues as the court may direct.

"Sec. 5. At the end of the period for which the temporary injunction, or the continuance, or the stay of execution, as the case may be, was granted, and on further similar application, notice and hearing, the court or judge may, in his discretion, enter a further order for temporary injunction or continuance or stay in like manner and upon the same conditions as contained in Sections 2 and 3 hereof. But in no event shall the operation of the original or the subsequent order extend beyond May 1, 1935.

"Sec. 6. Upon the showing that the defendant or the relator has failed to comply with the order of the court for the payment of rent on the property involved, or that the conditions of the relator or defendant have changed to such an extent as to make the grounds upon which any continuance, stay, order, or injunction was granted inapplicable, the court shall forthwith enter an order setting aside the continuance or the stay of execution, or the injunction, and proceed with the trial of the case on its merits, or permit the property to be sold, as the case may be.

"Sec. 7. The motion for continuance or for stay of execution or the petition for injunction shall be addressed to the sound discretion of the trial court, and the action of the court in refusing to grant any such relief as herein authorized shall not be final and shall be assigned as error on appeal.

"Sec. 8. No guarantor of an indebtedness, nor indorser, nor surety for the payment thereof, nor any person primarily liable thereon, the collection of which has been enjoined or postponed, by reason of the provisions of this Act, shall be required to pay such indebtedness during the injunction or postponement of the suit, nor shall the obligations of such guaran-

tor, indorser, or surety in any way be impaired or lessened by reason thereof, nor shall the creditor be obligated to pursue any remedy against such guarantor, indorser or surety during the continuance of such injunction, and or postponement of suit.

"Sec. 9. The period from February 15, 1934, to May 1, 1935, shall not be included in computing any period of limitation under the laws of this State with reference to liens on real property, and the debts secured thereby, provided the provisions of this Act have been invoked by the record owner of such real property.

"Sec. 10. Nothing herein shall be held to prevent or limit the right of any court to enter any judgment by agreement of the parties.

"Sec. 11. The provisions of this Act are hereby declared to be distinct and separable. If any section, paragraph, sentence or clause hereof shall be found by a court of competent jurisdiction to be invalid, the decision of such court shall not affect the validity of any other section, paragraph, sentence or clause.

"Sec. 12. All laws and parts of laws in conflict with any of the provisions of this Act are hereby suspended during the effective period of this Act, but not repealed, and this Act shall terminate and be of no further force and effect on and after May 1, 1935.

"Sec. 13. The fact that under existing laws forced sales are had under deeds of trust and vendor's liens at which tracts of real estate are sold at prices greatly below their real and equitable value, and the fact that such sales work inequities and undue hardships upon the owners of such real estate, and the further fact that an extraordinary financial emergency and depression exists within this State and elsewhere, and that many citizens are threatened with the foreclosure of liens upon property, and by reason thereof imminent danger exists whereby citizens may be subjected to distressing losses, and the fact that great and irreparable wrong and injury will be done unless immediate relief, as provided herein, be granted, create an emergency, and an imperative public necessity, that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Greathouse offered the following amendment to the bill:

Amend House Bill No. 3 by striking out all above the enacting clause, and insert in lieu thereof the following: "A bill to be entitled an Act temporarily enlarging the powers of the district courts of this State to grant continuances and stays of execution in suits to foreclose liens upon real property and to grant restraining orders and temporary injunctions restraining sales of real estate under deeds of trust and other contracts and sales under executions and orders of sale; specifying the necessary allegations for motions for continuance, applications for stay orders, and petitions for injunction, and prescribing the contents of orders granting such continuances, stay orders and injunctions; providing for payment of rent on real property involved; prescribing the duration of stay orders, continuances and injunctions and for the renewal thereof and the dissolution thereof; prescribing that such motions and petitions for such relief shall be addressed to the sound discretion of the trial court and that the refusal of such relief shall be reviewable on appeal; providing for the appointment of receivers, for the entry of judgments by agreement, suspending statutes of limitation as to real property for which relief under this Act is invoked; making the several provisions of the Act separate and distinct; extending the Act to guarantors, sureties and indorsers where payment of debt is postponed for party primarily liable; repealing all laws in conflict, and declaring an emergency."

The amendment was adopted.

Senate Bill No. 3 was then passed to third reading.

SENATE BILL NO. 3 ON THIRD READING

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—99

Adamson.	Barrett.
Aikin.	Beck.
Alexander.	Bergman.
Alsup.	Bourne.
Baker.	Bradley.

Burns.	Leonard.
Calvert.	Lotief.
Canon.	Mackay.
Cathey.	Magee.
Celaya.	McCullough.
Chastain.	McGregor.
Clayton.	McKee.
Cowley.	Metcalf.
Crossley.	Mitcham.
Daniel.	Moffett.
Devall.	Morrison.
Dunagan.	Munson.
Duvall.	Nicholson.
Engelhard.	Parkhouse.
Fain.	Patterson.
Fisher.	Pavlica.
Ford.	Pope.
Fuchs.	Puryear.
Glass.	Ratliff.
Golson.	Ray.
Good.	Reed of Bowie.
Goodman.	Reed of Dallas.
Greathouse.	Renfro.
Griffith.	Roark.
Hankamer.	Rogers of Hunt.
Harman.	Rogers
Harris.	of Ochiltree.
Hartzog.	Rollins.
Hester.	Savage.
Hill.	Shannon.
Hodges.	Smith.
Holekamp.	Stanfield.
Hoskins.	Steward.
Huddleston.	Stinson.
Hunter.	Stubbeman.
Hyder.	Tennyson.
Jackson.	Thomas.
James.	Tillery.
Johnson	Turlington.
of Anderson.	Wagstaff.
Jones of Shelby.	Walker.
Kayton.	Wells.
Kyle of Palo Pinto.	Winningham.
Laird.	Wood.
Lange.	Young.
Lemens.	

Nays—10

Atchison.	Moore.
Dean.	Morse.
Head.	Shults.
Hughes.	Stovall.
Kyle of Hays.	Vaughan.

Absent

Anderson.	Harrison.
Barron.	Hicks.
Butler.	Holland.
Camp.	Holloway.
Caven.	Hunt.
Colson.	Jefferson.
Coombes.	Jones of Runnels.
Davidson.	Latham.
Dunlap.	Lindsey.
Dwyer.	Long.
Graves.	Mathis.

McDougald.	Russell.
Merritt.	Scarborough.
Reader.	Tarwater.
Riddle.	Townsend.
Roberts.	Van Zandt.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker then laid Senate Bill No. 3 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Adamson.	Hunter.
Aikin.	Hyder.
Alexander.	Jackson.
Alsup.	James.
Anderson.	Jefferson.
Baker.	Johnson
Barrett.	of Anderson.
Beck.	Jones of Shelby.
Bergman.	Kayton.
Bourne.	Kyle of Palo Pinto.
Bradley.	Laird.
Burns.	Lange.
Calvert.	Lemens.
Canon.	Leonard.
Cathey.	Lindsey.
Celaya.	Lotief.
Chastain.	Mackay.
Clayton.	Magee.
Colson.	McCullough.
Cowley.	McGregor.
Crossley.	McKee.
Daniel.	Merritt.
Davidson.	Mitcham.
Devall.	Moffett.
Dunagan.	Morrison.
Duvall.	Nicholson.
Dwyer.	Parkhouse.
Engelhard.	Patterson.
Fain.	Pavlica.
Fisher.	Pope.
Fuchs.	Puryear.
Glass.	Ratliff.
Good.	Ray.
Goodman.	Reader.
Greathouse.	Reed of Bowie.
Griffith.	Reed of Dallas.
Hankamer.	Renfro.
Harman.	Riddle.
Harris.	Roark.
Hartzog.	Roberts.
Hester.	Rogers of Hunt.
Hodges.	Rogers
Holekamp.	of Ochiltree.
Holland.	Rollins.
Hoskins.	Shannon.
Huddleston.	Smith.

Stanfield.	Townsend.
Stinson.	Turlington.
Stovall.	Wagstaff.
Stubbeman.	Walker.
Tennyson.	Wells.
Thomas.	Wood.
Tillery.	Young.

Nays—13

Atchison.	Moore.
Camp.	Morse.
Dean.	Munson.
Ford.	Shults.
Head.	Steward.
Hughes.	Vaughan.
Kyle of Hays.	

Absent

Barron.	Jones of Runnels.
Butler.	Latham.
Caven.	Long.
Coombes.	Mathis.
Dunlap.	McDougald.
Golson.	Metcalfe.
Graves.	Russell.
Harrison.	Savage.
Hicks.	Scarborough.
Hill.	Tarwater.
Holloway.	Van Zandt.
Hunt.	Winningham.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

MOTION TO TAKE UP HOUSE
BILL NO. 105

Mr. McKee moved that the regular order of business be suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 105, A bill to be entitled "An Act prohibiting the building or laying out of any new highway or partial highway, intended principally for intercity traffic between the cities of Beaumont and Port Arthur, in Jefferson County, Texas, and requiring any new highway or partial highway to be built along the routes of the highways now existing between said cities; providing that any aggrieved citizen in Jefferson County may be entitled to restrain violation of this law, and declaring an emergency."

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—60

Barrett.	Jackson.
Beck.	James.
Bergman.	Jefferson.
Bourne.	Johnson
Bradley.	of Anderson.
Canon.	Jones of Runnels.
Cathey.	Kyle of Hays.
Celaya.	Kyle of Palo Pinto.
Clayton.	Laird.
Colson.	Lemens.
Cowley.	Lotief.
Crossley.	McGregor.
Davidson.	Merritt.
Dean.	Morse.
Dwyer.	Nicholson.
Fisher.	Pavlica.
Ford.	Pope.
Glass.	Ratliff.
Golson.	Renfro.
Good.	Roark.
Goodman.	Rogers
Greathouse.	of Ochiltree.
Griffith.	Rollins.
Hankamer.	Scarborough.
Head.	Shults.
Hill.	Stubbeman.
Hodges.	Tennyson.
Holekamp.	Tillery.
Holland.	Walker.
Hunter.	Wells.
Hyder.	Wood.

Nays—44

Adamson.	Magee.
Aikin.	Metcalfe.
Alexander.	Mitcham.
Alsup.	Moffett.
Atchison.	Munson.
Burns.	Parkhouse.
Calvert.	Puryear.
Camp.	Ray.
Chastain.	Reed of Bowie.
Daniel.	Reed of Dallas.
Dunagan.	Roberts.
Engelhard.	Rogers of Hunt.
Fain.	Savage.
Fuchs.	Stanfield.
Harman.	Steward.
Harris.	Stinson.
Hoskins.	Stovall.
Huddleston.	Thomas.
Hughes.	Turlington.
Kayton.	Vaughan.
Lindsey.	Wagstaff.
Mackay.	Winningham.

Present—Not Voting

Reader.

Absent

Anderson.	Caven.
Baker.	Coombes.
Barron.	Devall.
Butler.	Dunlap.

Duvall.	McCullough.
Graves.	McDougald.
Harrison.	McKee.
Hartzog.	Moore.
Hester.	Morrison.
Hicks.	Patterson.
Holloway.	Riddle.
Hunt.	Russell.
Jones of Shelby.	Shannon.
Lange.	Smith.
Latham.	Tarwater.
Leonard.	Townsend.
Long.	Van Zandt.
Mathis.	Young.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

HOUSE BILL NO. 132 ON SECOND
READING

On motion of Mr. Morse, by unanimous consent, the regular order of business was suspended to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 132, A bill to be entitled "An Act to provide a more efficient system for the appointment of deputy district clerks serving in counties of more than 355,000 population, in which counties there are more than one district court, including criminal district courts, by providing that the clerk of the district court may appoint a deputy for each district court or criminal district court in his county when directed so to do by the judge of any such court; fixing the salaries of such deputies, and providing a method for their payment, and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 132 ON THIRD
READING

Mr. Morse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 132 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103

Adamson.	Alsup.
Aikin.	Anderson.
Alexander.	Atchison.

Baker.	Laird.
Beck.	Latham.
Bergman.	Lemens.
Bourne.	Lotief.
Burns.	Mackay.
Calvert.	McCullough.
Camp.	McKee.
Canon.	Merritt.
Celaya.	Metcalfe.
Chastain.	Mitcham.
Clayton.	Moffett.
Colson.	Moore.
Cowley.	Morrison.
Daniel.	Morse.
Davidson.	Munson.
Dean.	Nicholson.
Dunagan.	Parkhouse.
Dwyer.	Patterson.
Engelhard.	Pavlica.
Fain.	Puryear.
Ford.	Ratliff.
Fuchs.	Reader.
Glass.	Reed of Bowie.
Golson.	Reed of Dallas.
Goodman.	Renfro.
Greathouse.	Riddle.
Griffith.	Roark.
Hankamer.	Rogers of Hunt.
Harman.	Rogers
Harris.	of Ochiltree.
Head.	Rollins.
Hester.	Scarborough.
Hill.	Shannon.
Hodges.	Shults.
Holekamp.	Smith.
Holland.	Stanfield.
Hoskins.	Steward.
Huddleston.	Stovall.
Hughes.	Stubbeman.
Hunter.	Tarwater.
Hyder.	Thomas.
Jackson.	Tillery.
James.	Turlington.
Jefferson.	Vaughan.
Johnson	Wagstaff.
of Anderson.	Walker.
Jones of Runnels.	Wells.
Jones of Shelby.	Wood.
Kayton.	Young.
Kyle of Palo Pinto.	

Nays—3

Crossley.	Ray.
Fisher.	

Absent

Barrett.	Good.
Barron.	Graves.
Bradley.	Harrison.
Butler.	Hartzog.
Cathey.	Hicks.
Caven.	Holloway.
Coombes.	Hunt.
Devall.	Kyle of Hays.
Dunlap.	Lange.
Duvall.	Leonard.

Lindsey.	Russell.
Long.	Savage.
Magee.	Stinson.
Mathis.	Tennyson.
McDougald.	Townsend.
McGregor.	Van Zandt.
Pope.	Winningham.
Roberts.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker then laid House Bill No. 132 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—111

Adamson.	Holland.
Aikin.	Holloway.
Alexander.	Hoskins.
Alsup.	Huddleston.
Atchison.	Hughes.
Baker.	Hunter.
Barrett.	Hyder.
Beck.	Jackson.
Bergman.	James.
Bourne.	Jefferson.
Burns.	Johnson
Calvert.	of Anderson.
Camp.	Jones of Runnels.
Canon.	Jones of Shelby.
Cathey.	Kayton.
Chastain.	Kyle of Hays.
Clayton.	Laird.
Colson.	Lange.
Cowley.	Latham.
Crossley.	Lemens.
Daniel.	Lindsey.
Davidson.	Long.
Dean.	Lotief.
Devall.	Mackay.
Dunagan.	McCullough.
Duvall.	McGregor.
Dwyer.	Merritt.
Engelhard.	Metcalf.
Fain.	Mitcham.
Ford.	Moffett.
Glass.	Moore.
Golson.	Morrison.
Good.	Morse.
Goodman.	Munson.
Greathouse.	Nicholson.
Griffith.	Parkhouse.
Harman.	Patterson.
Harris.	Pavlica.
Head.	Puryear.
Hester.	Ratliff.
Hicks.	Ray.
Hill.	Reader.
Hodges.	Reed of Bowie.
Holekamp.	Reed of Dallas.

Renfro.	Stovall.
Riddle.	Stubbeman.
Roark.	Tarwater.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Turlington.
Scarborough.	Vaughan.
Shannon.	Wagstaff.
Shults.	Walker.
Smith.	Wells.
Stanfield.	Wood.
Steward.	Young.
Stinson.	

Nays—1

Fisher.

Absent

Anderson.	Leonard.
Barron.	Magee.
Bradley.	Mathis.
Butler.	McDougald.
Caven.	McKee.
Celaya.	Pope.
Coombes.	Roberts.
Dunlap.	Rogers of Hunt.
Fuchs.	Russell.
Graves.	Savage.
Hankamer.	Tillery.
Harrison.	Townsend.
Hartzog.	Van Zandt.
Hunt.	Winningham.
Kyle of Palo Pinto.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

HOUSE BILL NO. 133 ON SECOND READING

On motion of Mr. Morse, by unanimous consent, the regular order of business was suspended to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 133, A bill to be entitled "An Act to amend Article 6869, of the Revised Civil Statutes, as amended by the Acts of the Forty-first Legislature, dealing with the appointment, authority, duties, and qualifications of deputy sheriffs, limiting the number of such deputies in any county, and providing for the payment of their compensation, by adding a clause thereto excepting counties of over 355,000 population from the provisions of said Article 6869, as amended as aforesaid, in so far as the same relates to the number of deputies to be appointed by the sheriff in said counties, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Morse offered the following amendment to the bill:

Amend House Bill No. 133 by striking out Section 1 thereof and inserting in lieu thereof a new Section 1, to read as follows:

"Section 1. In counties having a population in excess of 350,000, according to the last preceding Federal Census, the provisions of Article 6869, as amended, in so far as such limits the number of deputies allowable to sheriffs shall not apply, but the sheriff in any such county shall have the number of deputies allowed him by the commissioners court of such county."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 133 was passed to engrossment.

HOUSE BILL NO. 133 ON THIRD READING

Mr. Morse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 133 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adamson.	Davidson.
Aikin.	Dean.
Alexander.	Dunagan.
Alsup.	Engelhard.
Anderson.	Fain.
Atchison.	Ford.
Baker.	Glass.
Barrett.	Golson.
Bergman.	Good.
Bourne.	Goodman.
Burns.	Greathouse.
Butler.	Griffith.
Calvert.	Hankamer.
Camp.	Harman.
Canon.	Harris.
Cathey.	Hartzog.
Celaya.	Head.
Chastain.	Hester.
Clayton.	Hill.
Colson.	Hodges.
Cowley.	Holekamp.
Crossley.	Holland.
Daniel.	Holloway.

Hoskins.	Ratliff.
Huddleston.	Ray.
Hunter.	Reader.
Hyder.	Reed of Bowie.
Jackson.	Reed of Dallas.
James.	Renfro.
Johnson.	Riddle.
of Anderson.	Roark.
Jones of Runnels.	Rogers of Hunt.
Jones of Shelby.	Rogers
Kayton.	of Ochiltree.
Kyle of Hays.	Rollins.
Laird.	Scarborough.
Latham.	Shannon.
Lemens.	Shults.
Lotief.	Smith.
Mackay.	Stanfield.
McGregor.	Steward.
McKee.	Stovall.
Merritt.	Stubbeman.
Metcalfe.	Tarwater.
Mitcham.	Tennyson.
Moffett.	Thomas.
Moore.	Tillery.
Morrison.	Turlington.
Morse.	Vaughan.
Munson.	Wagstaff.
Parkhouse.	Walker.
Patterson.	Wells.
Pavlica.	Wood.
Puryear.	Young.

Nays—1

Absent

Fisher.	
Barron.	Lange.
Beck.	Leonard.
Bradley.	Lindsey.
Caven.	Long.
Coombes.	Magee.
Devall.	Mathis.
Dunlap.	McCullough.
Duvall.	McDougald.
Dwyer.	Nicholson.
Fuchs.	Pope.
Graves.	Roberts.
Harrison.	Russell.
Hicks.	Savage.
Hughes.	Stinson.
Hunt.	Townsend.
Jefferson.	Van Zandt.
Kyle of Palo Pinto.	Winningham.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker then laid House Bill No. 133 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—102

Adamson.	Jackson.
Aikin.	James.
Alexander.	Johnson
Alsup.	of Anderson.
Anderson.	Jones of Runnels.
Atchison.	Jones of Shelby.
Baker.	Kayton.
Barrett.	Laird.
Beck.	Latham.
Bergman.	Lemens.
Bourne.	Leonard.
Burns.	Lotief.
Butler.	Mackay.
Calvert.	McGregor.
Camp.	Mitcham.
Canon.	Moffett.
Cathey.	Moore.
Celaya.	Morrison.
Chastain.	Morse.
Clayton.	Munson.
Colson.	Parkhouse.
Coombes.	Patterson.
Cowley.	Pavlica.
Crossley.	Puryear.
Daniel.	Ratliff.
Dean.	Ray.
Dunagan.	Reed of Bowie.
Engelhard.	Reed of Dallas.
Fain.	Renfro.
Ford.	Riddle.
Glass.	Roark.
Golson.	Rogers of Hunt.
Good.	Rogers
Goodman.	of Ochiltree.
Greathouse.	Rollins.
Griffith.	Scarborough.
Hankamer.	Shannon.
Harman.	Shults.
Harris.	Smith.
Hartzog.	Stanfield.
Head.	Steward.
Hester.	Stovall.
Hicks.	Stubbeman.
Hill.	Tarwater.
Hodges.	Thomas.
Holekamp.	Tillery.
Holland.	Turlington.
Holloway.	Vaughan.
Hoskins.	Wagstaff.
Huddleston.	Wells.
Hunter.	Wood.
Hyder.	Young.

Nays—1

Fisher.

Absent

Barron.	Fuchs.
Bradley.	Graves.
Caven.	Harrison.
Davidson.	Hughes.
Devall.	Hunt.
Dunlap.	Jefferson.
Duvall.	Kyle of Hays.
Dwyer.	Kyle of Palo Pinto.

Lange.	Pope.
Lindsey.	Reader.
Long.	Roberts.
Magee.	Russell.
Mathis.	Savage.
McCullough.	Stinson.
McDougald.	Tennyson.
McKee.	Townsend.
Merritt.	Van Zandt.
Metcalf.	Walker.
Nicholson.	Winningham.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, February 20, 1934.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 10, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue of the State for the purpose of enforcing the provisions of House Bill No. 76, Chapter 52, First Called Session, Forty-first Legislature, and declaring an emergency."

S. B. No. 15, A bill to be entitled "An Act making an emergency appropriation out of that portion of the Special Racing Fund that has been or will be allocated to the Department of Agriculture, for the purpose of purchasing and erecting necessary machinery and conducting essential work necessary for preventing the further spread of the pink bollworm and in meeting the present emergency in connection with the recent findings of the pink bollworm in the counties of Bailey, Lamb, Cochran, Hockley, Yoakum, Terry, Gaines, and Dawson, and by so doing to insure the continuance of interstate trade relations now enjoyed by Texas, and declaring an emergency."

S. B. No. 16, A bill to be entitled "An Act to ratify, confirm, and validate deliveries of road bonds heretofore made by counties wherein the counties have lawfully delivered bonds to the purchasers thereof, and have thereafter permitted the exchange of said bonds for other bonds of the same

issues then remaining unsold and held by said counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 21, A bill to be entitled "An Act reappropriating any unexpended balances of the funds appropriated in aid of rural schools of the State of Texas in the emergency appropriation to pay outstanding indebtedness incurred through the operation of the rural aid law as made by Chapter 173, Acts Regular Session, Forty-third Legislature; such unexpended balances to be used for the purpose of supplementing the rural aid appropriation as made by Chapter 211, Acts Regular Session, Forty-third Legislature, such unexpended balances or so much thereof as may be necessary to be used and expended in aid of rural schools under the provisions of Chapter 211, Acts Regular Session, Forty-third Legislature, and declaring an emergency."

S. B. No. 2, A bill to be entitled "An Act to amend Article 7336, as amended by Chapter 117, Acts Forty-second Legislature, providing the time when taxes shall become due and when they shall become delinquent; providing penalty for non-payment of said taxes and for interest thereon; providing that current ad valorem taxes hereafter paid in October and November next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts shall be discounted two per cent, and declaring an emergency."

S. C. R. No. 25, Endorsing American Legion activities in their undertaking to provide a permanent shrine to the heroes of Texas.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 67 ON SECOND READING

On motion of Mr. Dunagan, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 67, A bill to be entitled "An Act requiring every person, firm, corporation, or association of persons

in this State who sells cigarettes by means of a vending machine of any kind or character to secure a permit from the Comptroller of Public Accounts, as is required of other dealers, etc."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

HOUSE BILL NO. 67 ON THIRD READING

Mr. Dunagan moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 67 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adamson.	Hester.
Aikin.	Hicks.
Alexander.	Hodges.
Alsup.	Holekamp.
Anderson.	Holland.
Atchison.	Holloway.
Barrett.	Hoskins.
Beck.	Huddleston.
Bergman.	Hughes.
Bourne.	Hunter.
Bradley.	Hyder.
Burns.	Jackson.
Butler.	James.
Calvert.	Johnson
Camp.	of Anderson.
Canon.	Jones of Runnels.
Cathey.	Jones of Shelby.
Caven.	Kayton.
Chastain.	Kyle of Palo Pinto.
Clayton.	Lange.
Coombes.	Latham.
Cowley.	Lemens.
Crossley.	Lindsey.
Daniel.	Mackay.
Davidson.	Magee.
Dean.	Mathis.
Devall.	Merritt.
Dunagan.	Mitcham.
Duvall.	Moffett.
Engelhard.	Morrison.
Fain.	Morse.
Fuchs.	Munson.
Ford.	Nicholson.
Glass.	Parkhouse.
Golson.	Patterson.
Good.	Pavlica.
Goodman.	Puryear.
Greathouse.	Ray.
Hankamer.	Reed of Bowie.
Harman.	Reed of Dallas.
Harris.	Renfro.
Head.	Roark.

Rogers of Hunt.
Rogers
of Ochiltree.
Rollins.
Savage.
Scarborough.
Shannon.
Shults.
Smith.
Stanfield.
Steward.

Stovall.
Stubbeman.
Tennyson.
Thomas.
Tillery.
Turlington.
Vaughan.
Walker.
Wells.
Wood.
Young.

Nays—3

Fisher.
McGregor.

Stinson.

Absent

Baker.
Barron.
Celaya.
Colson.
Dunlap.
Dwyer.
Graves.
Griffith.
Harrison.
Hartzog.
Hill.
Hunt.
Jefferson.
Kyle of Hays.
Laird.
Leonard.
Long.

Lotief.
McCullough.
McDougald.
McKee.
Metcalf.
Moore.
Pope.
Ratliff.
Reader.
Riddle.
Roberts.
Russell.
Tarwater.
Townsend.
Van Zandt.
Wagstaff.
Winningham.

Absent—Excused

Bedford.
Johnson
of Dimmit.
Jones of Atascosa.

Palmer.
Ramsey.
Scott.
Weinert.

The Speaker laid House Bill No. 67 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—109

Adamson.
Aikin.
Alexander.
Alsup.
Anderson.
Atchison.
Barrett.
Beck.
Bergman.
Bourne.
Bradley.
Burns.
Butler.
Camp.
Canon.
Cathey.
Caven.

Celaya.
Chastain.
Clayton.
Coombes.
Cowley.
Crossley.
Daniel.
Davidson.
Dean.
Devall.
Dunagan.
Duvall.
Dwyer.
Engelhard.
Fain.
Fisher.
Ford.

Fuchs.
Glass.
Good.
Goodman.
Greathouse.
Griffith.
Hankamer.
Harman.
Hartzog.
Head.
Hester.
Hicks.
Hill.
Hodges.
Holekamp.
Holland.
Holloway.
Hughes.
Hyder.
Jackson.
James.
Johnson
of Anderson.
Jones of Runnels.
Jones of Shelby.
Kayton.
Kyle of Palo Pinto.
Lange.
Latham.
Lemens.
Leonard.
Lindsey.
Mackay.
Magee.
Mathis.
Merritt.
Metcalf.
Mitcham.
Moffett.

Moore.
Morrison.
Morse.
Munson.
Nicholson.
Parkhouse.
Patterson.
Pavlica.
Purvey.
Ray.
Reed of Dallas.
Renfro.
Riddle.
Roark.
Rogers of Hunt.
Rogers
of Ochiltree.
Rollins.
Savage.
Scarborough.
Shannon.
Shults.
Smith.
Stanfield.
Steward.
Stinson.
Stovall.
Stubbeman.
Tarwater.
Tennyson.
Thomas.
Tillery.
Turlington.
Vaughan.
Walker.
Wells.
Wood.
Young.

Nays—1

McGregor.

Absent

Baker.
Barron.
Calvert.
Colson.
Dunlap.
Golson.
Graves.
Harris.
Harrison.
Hoskins.
Huddleston.
Hunt.
Hunter.
Jefferson.
Kyle of Hays.
Laird.

Long.
Lotief.
McCullough.
McDougald.
McKee.
Pope.
Ratliff.
Reader.
Reed of Bowie.
Roberts.
Russell.
Townsend.
Van Zandt.
Wagstaff.
Winningham.

Absent—Excused

Bedford.
Johnson
of Dimmit.
Jones of Atascosa.

Palmer.
Ramsey.
Scott.
Weinert.

HOUSE BILL NO. 81 ON SECOND
READING

On motion of Mr. Young, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 81, A bill to be entitled "An Act amending Article 879 and Article 879-b, of Chapter 6, Title 13, Revised Criminal Statutes of Texas, 1925, as amended by Acts of the Fortieth Legislature, page 316, etc.; making it unlawful to hunt, take, or kill wild mourning doves, wild quail of all kinds, wild Mexican pheasants, or chachalaca at any other time of year; providing a penalty, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Hoskins offered the following committee amendment to the bill:

Amend House Bill No. 81 by striking out "C. C. 2" and inserting in lieu thereof "Section 2."

HOSKINS,
RIDDLE.

The amendment was adopted.

Mr. Roberts offered the following amendments to the bill:

(1)

Amend House Bill No. 81 in the last sentence of Section 2 by changing the word "February" to "January."

(2)

Amend House Bill No. 81 in the third line of Section 4 of the mimeographed bill by correcting the spelling of "chachalaca."

The amendments were severally adopted.

Mr. Leonard offered the following amendment to the bill:

Amend House Bill No. 81 by adding after the words "in the following year, inclusive," the following: "except in the south White Wing zone, where it shall be lawful to hunt, take, or kill wild mourning doves only during the time from August twentieth to October thirty-first of each year."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered

amended to conform to all changes, and to the body of the bill.

House Bill No. 81 was then passed to engrossment.

HOUSE BILL NO. 81 ON THIRD
READING

Mr. Young moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 81 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

Adamson.	Hunter.
Aikin.	Hyder.
Alsup.	James.
Atchison.	Jefferson.
Baker.	Johnson
Barrett.	of Anderson.
Beck.	Jones of Runnels.
Bourne.	Jones of Shelby.
Bradley.	Kayton.
Burns.	Kyle of Hays.
Butler.	Kyle of Palo Pinto.
Calvert.	Lange.
Canon.	Latham.
Cathey.	Lemens.
Chastain.	Lindsey.
Clayton.	Lotief.
Coombes.	Mackay.
Cowley.	Magee.
Crossley.	Mathis.
Daniel.	Merritt.
Davidson.	Mitcham.
Dean.	Moffett.
Devall.	Moore.
Dunagan.	Morrison.
Duvall.	Morse.
Dwyer.	Munson.
Engelhard.	Nicholson.
Fain.	Parkhouse.
Fisher.	Patterson.
Ford.	Pavlica.
Fuchs.	Puryear.
Glass.	Ray.
Golson.	Reader.
Good.	Reed of Bowie.
Goodman.	Reed of Dallas.
Graves.	Renfro.
Greathouse.	Riddle.
Hankamer.	Roark.
Harman.	Rogers of Hunt.
Harris.	Rollins.
Hartzog.	Savage.
Head.	Scarborough.
Hester.	Shannon.
Hill.	Shults.
Hodges.	Smith.
Holekamp.	Stanfield.
Huddleston.	Stinson.
Hughes.	Stovall.

Stubbeman.	Vaughan.
Tarwater.	Wagstaff.
Tennyson.	Walker.
Thomas.	Wells.
Tillery.	Wood.
Turlington.	Young.

Nays—1

Bergman.

Absent

Alexander.	Leonard.
Anderson.	Long.
Barron.	McCullough.
Camp.	McDougald.
Caven.	McGregor.
Celaya.	McKee.
Colson.	Metcalfe.
Dunlap.	Pope.
Griffith.	Ratliff.
Harrison.	Roberts.
Hicks.	Rogers
Holland.	of Ochiltree.
Holloway.	Russell.
Hoskins.	Steward.
Hunt.	Townsend.
Jackson.	Van Zandt.
Laird.	Winningham.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker laid House Bill No. 81 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 68 ON SECOND READING

On motion of Mr. Duvall, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 68, A bill to be entitled "An Act amending Article 7047, of the Revised Civil Statutes, 1925, by repealing House Bill No. 102, as passed by the Forty-first Legislature, Second Called Session, 1929, and approved by the Governor of Texas, June 24, 1929; and repealing Senate Bill No. 127, 'regulating and providing for supervision of emigrant agents,' passed by the Forty-first Legislature, Second Called Session, 1929, and effective without the Governor's signature, and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 68 ON THIRD READING

Mr. Duvall moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 68 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Adamson.	Johnson
Aikin.	of Anderson.
Alsup.	Jones of Runnels.
Atchison.	Jones of Shelby.
Baker.	Kyle of Hays.
Barrett.	Latham.
Beck.	Lemens.
Bergman.	Lotief.
Bourne.	Mackay.
Burns.	Magee.
Butler.	Mathis.
Calvert.	Merritt.
Camp.	Mitcham.
Canon.	Moffett.
Cathey.	Moore.
Celaya.	Morrison.
Clayton.	Morse.
Coombes.	Munson.
Cowley.	Nicholson.
Crossley.	Parkhouse.
Davidson.	Patterson.
Dean.	Pavlica.
Devall.	Pope.
Dunagan.	Puryear.
Duvall.	Ray.
Engelhard.	Reader.
Fain.	Reed of Bowie.
Fisher.	Reed of Dallas.
Ford.	Renfro.
Fuchs.	Riddle.
Glass.	Roark.
Golson.	Rogers of Hunt.
Good.	Rogers
Graves.	of Ochiltree.
Greathouse.	Rollins.
Hankamer.	Savage.
Harman.	Shannon.
Harris.	Shults.
Hartzog.	Smith.
Hester.	Stanfield.
Hill.	Steward.
Hodges.	Stinson.
Holekamp.	Stubbeman.
Hoskins.	Tarwater.
Huddleston.	Tennyson.
Hughes.	Thomas.
Hunter.	Tillery.
Hyder.	Turlington.
James.	Vaughan.
Jefferson.	Wagstaff.

Walker.	Wood.
Wells.	Young.
Nays—1	
Stovall.	Absent
Alexander.	Kayton.
Anderson.	Kyle of Palo Pinto.
Barron.	Laird.
Bradley.	Lange.
Caven.	Leonard.
Chastain.	Lindsey.
Colson.	Long.
Daniel.	McCullough.
Dunlap.	McDougald.
Dwyer.	McGregor.
Goodman.	McKee.
Griffith.	Metcalfe.
Harrison.	Ratliff.
Head.	Roberts.
Hicks.	Russell.
Holland.	Scarborough.
Holloway.	Townsend.
Hunt.	Van Zandt.
Jackson.	Winningham.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker laid House Bill No. 68 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

Adamson.	Dunagan.
Aikin.	Duval.
Alsop.	Engelhard.
Anderson.	Fain.
Atchison.	Fisher.
Baker.	Ford.
Barrett.	Fuchs.
Beck.	Glass.
Bergman.	Golson.
Bourne.	Good.
Burns.	Goodman.
Butler.	Graves.
Calvert.	Greathouse.
Camp.	Hankamer.
Canon.	Harman.
Cathey.	Harris.
Caven.	Hartzog.
Clayton.	Hester.
Colson.	Hill.
Coombes.	Hodges.
Cowley.	Holekamp.
Crossley.	Huddleston.
Davidson.	Hughes.
Dean.	Hunter.
Devall.	Hyder.

James.	Reed of Dallas.
Jefferson.	Renfro.
Johnson	Riddle.
of Anderson.	Roark.
Jones of Runnels.	Rogers of Hunt.
Jones of Shelby.	Rogers
Kyle of Hays.	of Ochiltree.
Lange.	Rollins.
Latham.	Savage.
Lemens.	Scarborough.
Lotief.	Shannon.
Mackay.	Shults.
Magee.	Smith.
Mathis.	Stanfield.
Merritt.	Steward.
Mitcham.	Stinson.
Moffett.	Stubbeman.
Moore.	Tarwater.
Morrison.	Tennyson.
Morse.	Thomas.
Munson.	Tillery.
Nicholson.	Turlington.
Parkhouse.	Vaughan.
Patterson.	Wagstaff.
Pavlica.	Walker.
Puryear.	Wells.
Ray.	Wood.
Reader.	Young.
Reed of Bowie.	

Nays—1

Stovall.

Absent

Alexander.	Kyle of Palo Pinto.
Barron.	Laird.
Bradley.	Leonard.
Celaya.	Lindsey.
Chastain.	Long.
Daniel.	McCullough.
Dunlap.	McDougald.
Dwyer.	McGregor.
Griffith.	McKee.
Harrison.	Metcalfe.
Head.	Pope.
Hicks.	Ratliff.
Holland.	Roberts.
Holloway.	Russell.
Hoskins.	Townsend.
Hunt.	Van Zandt.
Jackson.	Winningham.
Kayton.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

HOUSE BILL NO. 130 ON SECOND READING

On motion of Mr. Morrison, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 130, A bill to be entitled "An Act amending Article 3832, Title 57, 1925 Revised Civil Statutes of the State of Texas, adding thereto other forms and kinds of personal property that shall be reserved to every family, exempt from attachment or execution and every other species of forced sale for the payment of debts, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Calvert offered the following amendment to the bill:

Amend House Bill No. 130 by striking out the term "head of" where it appears in lines 4, 5, 6, 7, and 8, on page 2, Section 1.

The amendment was adopted.

Mr. Stinson offered the following amendment to the bill:

Amend House Bill No. 130, Subsection 17, line 40, by adding at the end of said line the following: "not in excess of \$500 per month."

Mr. Lotief offered the following amendment to the amendment:

Amend Stinson amendment by changing the figures "\$500," and insert in lieu thereof "\$200."

On motion of Mr. Morrison, the amendment by Mr. Lotief was tabled.

Mr. Coombes offered the following amendment to the amendment:

Amend amendment by making it app'y also to Subsection 16.

Mr. Morrison moved to table the amendment by Mr. Coombes.

The motion to table was lost.

Question next recurring on the amendment by Mr. Coombes, it was adopted.

Mr. Morrison moved to table the amendment by Mr. Stinson as amended.

The motion to table was lost.

Mr. Morrison offered the following amendment to the amendment:

Amend House Bill No. 130 by striking out, in line 40, line 17 entirely on page 1.

Question—Shall the amendment by Mr. Morrison be adopted?

On motion of Mr. Calvert, the bill was laid on the table subject to call.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, February 20, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 8, A bill to be entitled "An Act amending Article 2529, Revised Civil Statutes of 1925, providing qualifications for State depositories, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 109 ON SECOND READING

On motion of Mr. Holekamp, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 109, A bill to be entitled "An Act relating to the conservation and development of lands in the State of Texas, pursuant to Section 59, of Article XVI, of the State Constitution, declaring and providing that the growth of cedar upon lands is injurious to the value of such lands and the use thereof and benefits to be derived therefrom, and is, and constitutes, a public nuisance, and that the eradication of such growths of cedar constitutes a public benefit and use; providing for the creation of districts known as 'cedar eradication districts'; etc."

The Speaker laid the bill before the House, and it was read second time.

Mr. Holekamp offered the following amendment to the bill:

Amend House Bill No. 109, page 12, Section 37, in lines 6 and 10, by inserting the following words after the word "power": "With the consent of the land owner."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 109 was then passed to engrossment.

HOUSE BILL NO. 109 ON THIRD READING

Mr. Holekamp moved that the constitutional rule, requiring bills to be

read on three several days, be suspended, and that House Bill No. 109 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103

Adamson.	Jones of Runnels.
Alexander.	Jones of Shelby.
Alsup.	Kayton.
Anderson.	Kyle of Palo Pinto.
Atchison.	Laird.
Baker.	Lange.
Barrett.	Latham.
Beck.	Lemens.
Bergman.	Leonard.
Bourne.	Lotief.
Bradley.	Mackay.
Calvert.	Magee.
Camp.	Mathis.
Canon.	McCullough.
Cathey.	Merritt.
Chastain.	Metcalfe.
Clayton.	Mitcham.
Colson.	Moffett.
Coombes.	Moore.
Crossley.	Morse.
Davidson.	Munson.
Dean.	Nicholson.
Devall.	Parkhouse.
Duvall.	Pavlica.
Dwyer.	Puryear.
Engelhard.	Ratliff.
Fain.	Ray.
Fisher.	Reed of Dallas.
Fuchs.	Roark.
Glass.	Roberts.
Golson.	Rogers of Ochiltree.
Good.	Rollins.
Griffith.	Savage.
Hankamer.	Scarborough.
Harris.	Shults.
Hartzog.	Smith.
Head.	Stanfield.
Hester.	Steward.
Hill.	Stinson.
Hodges.	Stovall.
Holekamp.	Stubbeman.
Holloway.	Tarwater.
Hoskins.	Thomas.
Huddleston.	Tillery.
Hughes.	Turlington.
Hunter.	Van Zandt.
Hyder.	Vaughan.
Jackson.	Wagstaff.
James.	Walker.
Jefferson.	Wells.
Johnson.	Winningham.
of Anderson.	Young.

Nays—3

Aikin.	Hunt.
Graves.	
	Absent
Barron.	Burns.

Butler.	McDougald.
Caven.	McGregor.
Celaya.	McKee.
Cowley.	Morrison.
Daniel.	Patterson.
Dunlap.	Pope.
Dunagan.	Reader.
Ford.	Reed of Bowie.
Goodman.	Renfro.
Greathouse.	Riddle.
Harman.	Rogers of Hunt.
Harrison.	Russell.
Hicks.	Shannon.
Holland.	Tennyson.
Kyle of Hays.	Townsend.
Lindsey.	Wood.
Long.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker laid House Bill No. 109 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—100

Adamson.	Hill.
Alexander.	Hodges.
Alsup.	Holekamp.
Anderson.	Holland.
Atchison.	Holloway.
Baker.	Huddleston.
Beck.	Hughes.
Bergman.	Hunter.
Bourne.	Hyder.
Bradley.	Jackson.
Burns.	Jefferson.
Calvert.	Johnson
Camp.	of Anderson.
Canon.	Jones of Shelby.
Cathey.	Kayton.
Chastain.	Kyle of Palo Pinto.
Clayton.	Laird.
Coombes.	Lange.
Cowley.	Latham.
Crossley.	Leonard.
Davidson.	Lotief.
Dean.	Mackay.
Devall.	Magee.
Dunagan.	McCullough.
Duvall.	Merritt.
Engelhard.	Metcalfe.
Fuchs.	Mitcham.
Glass.	Moffett.
Golson.	Moore.
Good.	Morrison.
Hankamer.	Morse.
Harris.	Munson.
Head.	Nicholson.
Hester.	Parkhouse.

Pavlica.	Smith.
Ratliff.	Stanfield.
Ray.	Steward.
Reader.	Stinson.
Reed of Bowie.	Stovall.
Reed of Dallas.	Stubbeman.
Riddle.	Tarwater.
Roark.	Thomas.
Roberts.	Tillery.
Rogers of Hunt.	Turlington.
Rogers	Van Zandt.
of Ochiltree.	Vaughan.
Rollins.	Wagstaff.
Savage.	Walker.
Scarborough.	Wells.
Shannon.	Winningham.
Shults.	Young.

Nays—7

Aikin.	Lemens.
Fain.	Lindsey.
Graves.	Puryear.
Hunt.	

Absent

Barrett.	Hicks.
Barron.	Hoskins.
Butler.	James.
Caven.	Jones of Runnels.
Celaya.	Kyle of Hays.
Colson.	Long.
Daniel.	Mathis.
Dunlap.	McDougald.
Dwyer.	McGregor.
Fisher.	McKee.
Ford.	Patterson.
Goodman.	Pope.
Greathouse.	Renfro.
Griffith.	Russell.
Harman.	Tennyson.
Harrison.	Townsend.
Hartzog.	Wood.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

HOUSE BILL NO. 107 ON SECOND READING

On motion of Mr. Bergman, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 107, A bill to be entitled "An Act creating Indian Village Independent School District of Polk County, including the present Indian Village Common School District No. 17 of said county; providing a board of trustees therefor; vesting said independent school district and board

of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts incorporated or established under the general laws of Texas for school purposes only; providing that the board of trustees of the existing common school district included herein shall serve until their successors are selected in accordance with the provisions of this Act, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Bergman offered the following amendment to the bill:

Amend House Bill No. 107 in the caption, after the words "independent school district and board of trustees with," by striking out the following words, "all the," and inserting in lieu thereof the word "certain," preceding the words "rights, powers, privileges, etc."

The amendment was adopted.

House Bill No. 107 was passed to engrossment.

HOUSE BILL NO. 107 ON THIRD READING

Mr. Bergman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 107 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson.	Devall.
Aikin.	Dunlap.
Alsup.	Dunagan.
Anderson.	Duvall.
Atchison.	Engelhard.
Baker.	Fain.
Barrett.	Fisher.
Beck.	Ford.
Bergman.	Fuchs.
Bourne.	Glass.
Bradley.	Golson.
Burns.	Good.
Camp.	Goodman.
Canon.	Hankamer.
Cathey.	Harris.
Celaya.	Hartzog.
Chastain.	Head.
Clayton.	Hester.
Colson.	Hodges.
Coombes.	Holland.
Crossley.	Holloway.
Daniel.	Hoskins.
Davidson.	Huddleston.
Dean.	Hughes.

Hunter.	Reader.	Anderson.	Laird.
Hyder.	Reed of Bowie.	Atchison.	Lange.
Jackson.	Reed of Dallas.	Baker.	Leonard.
James.	Riddle.	Barrett.	Lindsey.
Jefferson.	Roark.	Beck.	Lotief.
Johnson	Roberts.	Bergman.	Mackay.
of Anderson.	Rogers of Hunt.	Bourne.	Magee.
Jones of Shelby.	Rogers	Bradley.	McCullough.
Kayton.	of Ochiltree.	Burns.	Merritt.
Kyle of Hays.	Rollins.	Calvert.	Metcalfe.
Laird.	Savage.	Canon.	Mitcham.
Lange.	Scarborough.	Chastain.	Moffett.
Latham.	Shannon.	Clayton.	Moore.
Leonard.	Shults.	Colson.	Morse.
Lindsey.	Smith.	Coombes.	Munson.
Lotief.	Stanfield.	Crossley.	Nicholson.
Mackay.	Steward.	Daniel.	Parkhouse.
Magee.	Stinson.	Davidson.	Pavlica.
McCullough.	Stovall.	Dean.	Pope.
Merritt.	Stubbeman.	Devall.	Puryear.
Metcalfe.	Tarwater.	Dunlap.	Ratliff.
Mitcham.	Tennyson.	Dunagan.	Ray.
Moffett.	Thomas.	Duvall.	Reader.
Moore.	Tillery.	Engelhard.	Reed of Bowie.
Morse.	Turlington.	Fain.	Reed of Dallas.
Munson.	Van Zandt.	Ford.	Riddle.
Nicholson.	Vaughan.	Fuchs.	Roark.
Parkhouse.	Walker.	Glass.	Roberts.
Pavlica.	Wells.	Golson.	Rogers of Hunt.
Puryear.	Winningham.	Good.	Rogers
Ratliff.	Young.	Goodman.	of Ochiltree.
Ray.		Graves.	Rollins.

Absent

Alexander.	Jones of Runnels.
Barron.	Kyle of Palo Pinto.
Butler.	Lemens.
Calvert.	Long.
Caven.	Mathis.
Cowley.	McDougald.
Dwyer.	McGregor.
Graves.	McKee.
Greathouse.	Morrison.
Griffith.	Patterson.
Harman.	Pope.
Harrison.	Renfro.
Hicks.	Russell.
Hill.	Townsend.
Holekamp.	Wagstaff.
Hunt.	Wood.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker laid House Bill No. 107 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—108

Adamson.	Alexander.
Aikin.	Alsup.

Anderson.	Laird.
Atchison.	Lange.
Baker.	Leonard.
Barrett.	Lindsey.
Beck.	Lotief.
Bergman.	Mackay.
Bourne.	Magee.
Bradley.	McCullough.
Burns.	Merritt.
Calvert.	Metcalfe.
Canon.	Mitcham.
Chastain.	Moffett.
Clayton.	Moore.
Colson.	Morse.
Coombes.	Munson.
Crossley.	Nicholson.
Daniel.	Parkhouse.
Davidson.	Pavlica.
Dean.	Pope.
Devall.	Puryear.
Dunlap.	Ratliff.
Dunagan.	Ray.
Duvall.	Reader.
Engelhard.	Reed of Bowie.
Fain.	Reed of Dallas.
Ford.	Riddle.
Fuchs.	Roark.
Glass.	Roberts.
Golson.	Rogers of Hunt.
Good.	Rogers
Goodman.	of Ochiltree.
Graves.	Rollins.
Hankamer.	Savage.
Harris.	Scarborough.
Hartzog.	Shannon.
Head.	Shults.
Hester.	Smith.
Hodges.	Stanfield.
Holland.	Steward.
Hoskins.	Stinson.
Huddleston.	Stovall.
Hughes.	Stubbeman.
Hunt.	Tarwater.
Hunter.	Tennyson.
Hyder.	Tillery.
Jackson.	Turlington.
James.	Van Zandt.
Jefferson.	Vaughan.
Johnson	Wagstaff.
of Anderson.	Walker.
Jones of Shelby.	Wells.
Kayton.	Winningham.
Kyle of Hays.	Young.

Absent

Barron.	Harman.
Butler.	Harrison.
Camp.	Hicks.
Cathey.	Hill.
Caven.	Holekamp.
Celaya.	Holloway.
Cowley.	Jones of Runnels.
Dwyer.	Kyle of Palo Pinto.
Fisher.	Latham.
Greathouse.	Lemens.
Griffith.	Long.

Mathis.	Renfro.
McDougald.	Russell.
McGregor.	Thomas.
McKee.	Townsend.
Morrison.	Wood.
Patterson.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

HOUSE BILL NO. 114 ON SECOND READING

On motion of Mr. Dwyer, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 114, A bill to be entitled "An Act to prohibit justices of the peace from adjudging fees in misdemeanor criminal cases in favor of constables and deputy constables, where the alleged offense was committed in a justice precinct other than the precinct in which such constable was elected or such deputy constable appointed, and to prohibit constables and deputy constables from collecting or receiving fees; etc."

The Speaker laid the bill before the House, and it was read second time.

Mr. Burns offered the following committee amendment to the bill:

Amend House Bill No. 114 by adding a new section, to be numbered Section 3-a:

"Section 3-a. Provided the provisions of this bill shall only apply to counties of a population of 100,000 and over, according to the last preceding Federal Census."

Mr. McCullough offered the following substitute for the committee amendment:

"Provided the provisions of this bill shall apply to counties of a population of not less than 46,000 population and more, according to the last preceding Federal Census."

Question—Shall the substitute amendment be adopted?

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Celaya:

H. B. No. 154, A bill to be entitled "An Act declaring it to be the policy of the State of Texas to provide for the standardization of certain vegetables as a protection to grower, shipper, carrier, and consumer; placing the jurisdiction of grades and classifications thereof under the direction of the Commission of Agriculture of the State of Texas; directing and empowering the Commissioner to establish regulations and grades of certain vegetables; providing for the publication of such rules and regulations and the appeal therefrom; etc."

Referred to Committee on Agriculture.

By Mr. Celaya:

H. B. No. 155, A bill to be entitled "An Act relating to agriculture and agricultural products; providing for investigations of the business and affairs of wholesale purchasers thereof, whether under contracts or otherwise; and for licensing and bonding and regulating dealers in such products; to prevent unfair trade practices in connection with such products; providing penalties for the violation of this Act, and making an appropriation to carry out the purposes of this Act, and repealing Article 1275, of the Civil Code of 1925."

Referred to Committee on Agriculture.

By Mr. Palmer and Mr. Steward:

H. B. No. 156, A bill to be entitled "An Act validating the consolidation proceedings consolidating Buffalo Independent School District of Leon County, and Concord Common School District No. 41 and Martin Common School District No. 8 of Freestone County; providing for a board of trustees; etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Butler:

H. B. No. 157, A bill to be entitled "An Act changing the open season on doves and quail to open November fifteenth to January sixteenth, inclusive, in Brazos County, Texas; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

SENATE BILLS ON FIRST
READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 2, to the Committee on Revenue and Taxation.

Senate Bill No. 8, to the Committee on Banks and Banking.

Senate Bill No. 10, to the Committee on Appropriations.

Senate Bill No. 15, to the Committee on Appropriations.

Senate Bill No. 16, to the Committee on Highways and Motor Traffic.

Senate Bill No. 21, to the Committee on Appropriations.

RECESS

On motion of Mr. Anderson, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 114 ON PASSAGE
TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 114, relative to fees in misdemeanor cases, etc.; the bill having heretofore been read second time, with committee amendment, and substitute amendment by Mr. McCullough for the committee amendment, pending.

(Mr. Walker in the Chair.)

Mr. McCullough withdrew the pending substitute amendment and offered the following in lieu thereof:

Substitute for committee amendment No. 1 to House Bill No. 114:

"Provided, the provisions of this bill shall apply to counties of a population of not less than 46,000 and not more than 48,000 population, according to the last preceding Federal Census; and all counties containing a population of 100,000 or more, according to the last preceding Federal Census."

Mr. Moore raised a point of order on further consideration of the substitute amendment, on the ground

that the amendment, if adopted, would render the bill unconstitutional.

The Speaker sustained the point of order.

Mr. Metcalfe offered the following amendment to the bill:

Amend House Bill No. 114, page 1, by adding after Section 3 a new section, to be numbered 3-a, and reading as follows:

"Section 3-a. The provisions of this Act shall not apply to justice precincts where there is no regularly elected and qualified justice of the peace."

The amendment was adopted.

Mr. Latham raised a point of order on further consideration of the committee amendment, on the ground that the amendment, if adopted, would render the bill unconstitutional.

The Speaker overruled the point of order.

Question recurring on the committee amendment, it was adopted.

Mr. Latham moved to reconsider the vote by which the committee amendment was adopted.

The motion to reconsider prevailed.

Question recurring on the committee amendment, it was lost.

Mr. Graves offered the following amendment to the bill:

Amend House Bill No. 114 by striking out Sections 1, 2, and 3, and insert the following:

"Section 1. No person shall ever be tried for a misdemeanor punishable alone in a justice court, except in the justice precinct in which the alleged offense was committed, unless on account of the fact that there is no regularly qualified justice of the peace in such precinct, then in that event, such person shall be tried in the nearest adjacent justice precinct.

"Section 2. It is further provided, that no constable shall be allowed any fees in any criminal misdemeanor case, unless the said cause shall have been tried and disposed of in the justice court and justice precinct in which the constable was elected or appointed."

GRAVES,
ANDERSON.

The amendment was adopted.

House Bill No. 114 failed to pass to engrossment.

Mr. Anderson moved to reconsider the vote by which House Bill No. 114 failed to pass to engrossment.

The motion to reconsider prevailed.

Mr. Anderson moved that further consideration of the bill be postponed until 2 o'clock p. m., tomorrow.

The motion prevailed.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, February 20, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate Bill No. 3, and requests the appointment of a conference committee. The following have been appointed on the part of the Senate: Senators Sanderford, Small, Moore, Woodward, and Woodul.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 125 ON SECOND READING

On motion of Mr. Bourne, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 125, A bill to be entitled "An Act to amend Article 920, of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that a defendant placed in jail on account of failure to pay the fine and costs can be discharged on habeas corpus by showing that he is too poor to pay the fine and costs, and that he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar for each day; providing further, that a justice of the peace may discharge the defendant upon his showing the same cause by application to such justice; providing that in no event shall the defendant be discharged until he has remained in jail at least ten days; and requiring the justice to note the granting of such application on his docket, and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 125 ON THIRD READING

Mr. Bourne moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 125 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Adamson.	Jones of Runnels.
Aikin.	Jones of Shelby.
Alsup.	Kayton.
Anderson.	Kyle of Palo Pinto.
Atchison.	Latham.
Baker.	Leonard.
Barrett.	Lindsey.
Bourne.	Long.
Bradley.	Lotief.
Burns.	Mackay.
Butler.	Magee.
Calvert.	McCullough.
Canon.	McGregor.
Cathey.	McKee.
Caven.	Merritt.
Celaya.	Metcalf.
Chastain.	Mitcham.
Clayton.	Moffett.
Cowley.	Moore.
Crossley.	Morrison.
Daniel.	Morse.
Dean.	Munson.
Dunagan.	Nicholson.
Engelhard.	Puryear.
Fain.	Ratliff.
Fisher.	Ray.
Ford.	Reader.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Golson.	Renfro.
Goodman.	Riddle.
Greathouse.	Roark.
Griffith.	Rogers of Hunt.
Hankamer.	Rogers
Harman.	of Ochiltree.
Harris.	Rollins.
Hartzog.	Russell.
Head.	Scarborough.
Hester.	Shults.
Hicks.	Smith.
Hill.	Stanfield.
Hodges.	Steward.
Holekamp.	Stinson.
Holland.	Stovall.
Hoskins.	Stubbeman.
Huddleston.	Tarwater.
Hughes.	Tennyson.
Hunt.	Thomas.
Hunter.	Turlington.
Hyder.	Van Zandt.
James.	Vaughan.
Jefferson.	Wagstaff.
Johnson	Wood.
of Anderson.	

Nays—7

Beck.	Kyle of Hays.
Camp.	Parkhouse.
Coombes.	Pavlica.
Devall.	

Absent

Alexander.	Lemens.
Barron.	Mathis.
Bergman.	McDougald.
Colson.	Patterson.
Davidson.	Pope.
Dunlap.	Roberts.
Duvall.	Savage.
Dwyer.	Shannon.
Good.	Tillery.
Graves.	Townsend.
Harrison.	Walker.
Holloway.	Wells.
Jackson.	Winningham.
Laird.	Young.
Lange.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker laid House Bill No. 125 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—73

Aikin.	Hunt.
Atchison.	Hunter.
Baker.	Jones of Runnels.
Bourne.	Jones of Shelby.
Bradley.	Kayton.
Burns.	Kyle of Palo Pinto.
Butler.	Lange.
Calvert.	Lindsey.
Canon.	Long.
Cathey.	Lotief.
Celaya.	Mackay.
Clayton.	Magee.
Cowley.	McCullough.
Engelhard.	McKee.
Fisher.	Merritt.
Fuchs.	Metcalfe.
Glass.	Mitcham.
Golson.	Moffett.
Good.	Morse.
Goodman.	Munson.
Graves.	Nicholson.
Greathouse.	Patterson.
Griffith.	Puryear.
Hankamer.	Reader.
Harris.	Reed of Dallas.
Head.	Roark.
Hill.	Rogers of Hunt.
Holland.	Rogers
Hoskins.	of Ochiltree.

Savage.	Stubbeman.
Shannon.	Tennyson.
Shults.	Thomas.
Smith.	Tillery.
Stanfield.	Turlington.
Steward.	Van Zandt.
Stinson.	Wagstaff.
Stovall.	Wood.

Nays—31

Adamson.	James.
Alsup.	Johnson
Barrett.	of Anderson.
Beck.	Kyle of Hays.
Chastain.	Latham.
Coombes.	Morrison.
Crossley.	Parkhouse.
Daniel.	Pavlica.
Devall.	Pope.
Dunagan.	Ratliff.
Fain.	Ray.
Hartzog.	Reed of Bowie.
Hicks.	Roberts.
Hodges.	Rollins.
Holekamp.	Russell.
Huddleston.	Young.

Absent

Alexander.	Jackson.
Anderson.	Jefferson.
Barron.	Laird.
Bergman.	Lemens.
Camp.	Leonard.
Caven.	Mathis.
Colson.	McDougald.
Davidson.	McGregor.
Dean.	Moore.
Dunlap.	Renfro.
Duvall.	Riddle.
Dwyer.	Scarborough.
Ford.	Tarwater.
Harman.	Townsend.
Harrison.	Vaughan.
Hester.	Walker.
Holloway.	Wells.
Hughes.	Winningham.
Hyder.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

RELATIVE TO HOUSE BILL
NO. 67

On motion of Mr. Dunagan, by unanimous consent, the caption of House Bill No. 67 was ordered amended to conform to all changes made in the body of the bill, and to the bill.

CONFERENCE COMMITTEE ON SENATE BILL NO. 3

On motion of Mr. Calvert, the House granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 3.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Greathouse, Burns, Pope, Vaughan, and Hankamer.

HOUSE BILL NO. 95 ON SECOND READING

Mr. Tenyson moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 95, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of 1925, so as to change the population of towns coming within its scope from two thousand (2,000) to five hundred (500); and to limit the earnings of persons, companies, or corporations, coming within the provisions of said article, to an amount not exceeding a fair return upon the fair value of property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—76

Adamson.	Good.
Aikin.	Goodman.
Alsup.	Greathouse.
Anderson.	Griffith.
Atchison.	Harris.
Barrett.	Hartzog.
Beck.	Hester.
Bourne.	Hodges.
Bradley.	Holekamp.
Burns.	Holland.
Calvert.	Hoskins.
Canon.	Huddleston.
Cathey.	Hughes.
Chastain.	Hunt.
Coombes.	Hunter.
Daniel.	Hyder.
Dean.	Jackson.
Dunagan.	Jones of Runnels.
Fain.	Laird.
Fisher.	Lange.
Fuchs.	Latham.
Glass.	Lindsey.
Golson.	Long.

Lotief.	Shannon.
Mackay.	Shults.
Magee.	Smith.
Merritt.	Stovall.
Morrison.	Stubbeman.
Munson.	Tarwater.
Nicholson.	Tennyson.
Puryear.	Thomas.
Reed of Bowie.	Tillery.
Roark.	Turlington.
Roberts.	Van Zandt.
Rogers	Vaughan.
of Ochiltree.	Winningham.
Rollins.	Wood.
Russell.	Young.
Savage.	

Nays—36

Baker.	Jones of Shelby.
Bergman.	Kayton.
Butler.	Kyle of Palo Pinto.
Camp.	McCullough.
Celaya.	Morse.
Clayton.	Parkhouse.
Colson.	Patterson.
Cowley.	Pavlica.
Crossley.	Ratliff.
Davidson.	Reed of Dallas.
Devall.	Riddle.
Ford.	Rogers of Hunt.
Hankamer.	Scarborough.
Head.	Stanfield.
Hicks.	Steward.
Hill.	Stinson.
James.	Wagstaff.
Johnson	Wells.
of Anderson.	

Absent

Alexander.	Mathis.
Barron.	McDougald.
Caven.	McGregor.
Dunlap.	McKee.
Duvall.	Metcalfe.
Dwyer.	Mitcham.
Engelhard.	Moffett.
Graves.	Moore.
Harman.	Pope.
Harrison.	Ray.
Holloway.	Reader.
Jefferson.	Renfro.
Kyle of Hays.	Townsend.
Lemens.	Walker.
Leonard.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

(Speaker in the Chair.)

Mr. Clayton raised a point of order on further consideration of the bill, on the ground that the subject

matter contained in the bill has not been submitted by the Governor.

The Speaker overruled the point of order.

Mr. Long moved to reconsider the vote by which the House voted to take up House Bill No. 95, for consideration at this time.

On motion of Mr. Tennyson, the motion to reconsider was tabled.

The Speaker laid the bill before the House, and it was read second time.

Mr. Van Zandt offered the following amendment to the bill:

Amend House Bill No. 95 by striking out all after the enacting clause, and insert in lieu thereof the following:

"Section 1. The governing body of all cities and towns in this State, whether incorporated under general or special law, or under the Home Rule Act, shall have power to determine, fix, and regulate the charges, fares, or rates of any person, firm, or corporation enjoying, or that may enjoy, a franchise or public privilege in said city, and to prescribe the kind of service to be furnished by such person, firm, or corporation, and the manner in which it shall be rendered; and from time to time, alter or change such rules, regulations, and compensation; provided, that in adopting such regulations, and in fixing or charging such compensation, or determining the reasonableness thereof, no rate or compensation shall be fixed that will yield less than a reasonable return on the fair value of the properties used and useful in rendering such service in such city or town. If all or any part of such properties are used or useful in serving two or more cities and towns, the value of such properties so used, as well as the expense incident to the use thereof, shall be fairly allocated as between the cities and towns receiving service therefrom.

"In order to ascertain the true amount of the gross receipts, and to determine the amount of compensation, as well as to ascertain the capital invested, property value, amount of depreciation expenses, and for any other purpose relating to the business of the city, or for the purpose of ascertaining any fact connected with, or relating to, the business done by such franchise holder, the governing body shall have full

power to examine, or cause to be examined, at any time, and at all times, the books, papers, and records of franchise holders relating to service in such city or town; to take testimony and compel the attendance of witnesses, and production of pertinent books, papers, and records, and to examine witnesses under oath, and under such reasonable rules and regulations as said governing body may adopt.

"All franchise holders shall, from time to time, file with the city secretary, or the successor to the duties of that office, schedules of the rates to be charged for service in such city or town. If such schedules shall be disapproved by the governing body, in whole or in part, it shall give such franchise holder at least ten (10) days' notice in writing to appear before it, in person or by counsel, and show cause why such schedules should not be modified or changed; and if, after a hearing, such schedules are not modified or changed so as to meet the approval of the governing body, it is hereby authorized and empowered to make such changes in, or modifications of, such schedules as it may deem proper; provided, that the rates fixed therein shall be just and reasonable. After such schedules shall have been on file for a period of ten (10) days, without notice of disapproval by the governing body, it shall be presumed that they are approved, and that the rates therein prescribed are just and reasonable, until after notice and hearing they shall be ordered changed by the governing body.

"Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

"Sec. 3. The fact that many cities and towns in this State are without the power of regulating public utilities creates an emergency, requiring that the constitutional rule, providing for the reading of bills on three several days, be suspended, and that this enactment take effect from and after its passage, and it is so enacted."

VAN ZANDT,
ROLLINS.

Mr. Lange moved to table the amendment by Mr. Van Zandt.

The motion to table prevailed.

Mr. Barrett offered the following amendment to the bill:

Amend House Bill No. 95, page 1, line 22, and page 2, line 3, by changing "500 population" to "400 population."

Mr. Ray offered the following substitute for the amendment:

Substitute for amendment to House Bill No. 95 by striking out the words "of over 500 population," in line 22, and by inserting the word "incorporated" before the word "cities," in line 21.

The substitute amendment was adopted.

The amendment as substituted was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to changes, and to the body of the bill.

House Bill No. 95 was then passed to engrossment by the following vote:

Yeas—92

Adamson.	Hyder.
Aikin.	James.
Alexander.	Jones of Runnels.
Alsup.	Jones of Shelby.
Anderson.	Laird.
Atchison.	Lange.
Baker.	Latham.
Barrett.	Lindsey.
Bourne.	Lotief.
Burns.	Mackay.
Calvert.	Magee.
Canon.	McCullough.
Cathey.	McGregor.
Celaya.	McKee.
Chastain.	Merritt.
Coombes.	Metcalfe.
Daniel.	Moffett.
Dean.	Morrison.
Dunagan.	Munson.
Engelhard.	Pope.
Fain.	Puryear.
Fisher.	Ratliff.
Fuchs.	Ray.
Glass.	Reader.
Golson.	Reed of Bowie.
Good.	Riddle.
Goodman.	Roark.
Graves.	Roberts.
Greathouse.	Rogers of Hunt.
Griffith.	Rogers
Harris.	of Ochiltree.
Hartzog.	Rollins.
Head.	Russell.
Hester.	Savage.
Hodges.	Shannon.
Holekamp.	Shults.
Huddleston.	Smith.
Hughes.	Stinson.
Hunt.	Stovall.
Hunter.	Stubbeman.

Tarwater.
Tennyson.
Thomas.
Tillery.
Turlington.
Van Zandt.
Vaughan.

Wagstaff.
Walker.
Wells.
Winningham.
Wood.
Young.

Nays—22

Butler.	Mitcham.
Clayton.	Moore.
Crossley.	Morse.
Davidson.	Parkhouse.
Devall.	Patterson.
Duvall.	Pavlica.
Ford.	Reed of Dallas.
Hankamer.	Renfro.
Jackson.	Scarborough.
Kyle of Palo Pinto.	Stanfield.
Mathis.	Steward.

Present—Not Voting

Long.

Absent

Barron.	Holland.
Beck.	Holloway.
Bergman.	Hoskins.
Bradley.	Jefferson.
Camp.	Johnson
Caven.	of Anderson.
Colson.	Kayton.
Cowley.	Kyle of Hays.
Dunlap.	Lemens.
Dwyer.	Leonard.
Harman.	McDougald.
Harrison.	Nicholson.
Hicks.	Townsend.
Hill.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

HOUSE BILL NO. 95 ON THIRD READING

Mr. Tennyson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101

Adamson.	Barrett.
Aikin.	Beck.
Alexander.	Bergman.
Alsup.	Bourne.
Anderson.	Burns.
Atchison.	Calvert.
Baker.	Canon.

Celaya.	McCullough.
Chastain.	McKee.
Coombes.	Merritt.
Crossley.	Metcalfe.
Daniel.	Mitcham.
Davidson.	Moffett.
Dean.	Morrison.
Dunlap.	Munson.
Dunagan.	Nicholson.
Engelhard.	Pope.
Fain.	Puryear.
Fisher.	Ratliff.
Ford.	Ray.
Fuchs.	Reader.
Glass.	Reed of Bowie.
Golson.	Renfro.
Good.	Roark.
Goodman.	Roberts.
Graves.	Rogers of Hunt.
Greathouse.	Rogers
Griffith.	of Ochiltree.
Harris.	Rollins.
Hartzog.	Russell.
Head.	Savage.
Hicks.	Shannon.
Hodges.	Shults.
Holekamp.	Smith.
Huddleston.	Stinson.
Hughes.	Stovall.
Hunt.	Stubbeman.
Hunter.	Tarwater.
Hyder.	Tennyson.
James.	Thomas.
Jefferson.	Tillery.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Laird.	Wagstaff.
Lange.	Walker.
Latham.	Wells.
Lindsey.	Winningham.
Lotief.	Wood.
Mackay.	Young.
Magee.	

Nays—19

Butler.	Mathis.
Camp.	Moore.
Cathey.	Parkhouse.
Clayton.	Pavlica.
Cowley.	Reed of Dallas.
Devall.	Riddle.
Duvall.	Scarborough.
Dwyer.	Stanfield.
Hankamer.	Steward.
Kyle of Palo Pinto.	

Absent

Barron.	Holloway.
Bradley.	Hoskins.
Caven.	Jackson.
Colson.	Johnson
Harman.	of Anderson.
Harrison.	Kyle of Hays.
Hester.	Lemens.
Hill.	Leonard.
Holland.	Long.

McDougald.	Patterson.
McGregor.	Townsend.
Morse.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atacosa.	Weinert.

The Speaker laid House Bill No. 95 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—94

Adamson.	Laird.
Aikin.	Lange.
Alexander.	Latham.
Alsup.	Lindsey.
Anderson.	Lotief.
Atchison.	Mackay.
Baker.	Magee.
Barrett.	McCullough.
Beck.	McGregor.
Bergman.	McKee.
Bourne.	Merritt.
Burns.	Morrison.
Calvert.	Munson.
Canon.	Pope.
Cathey.	Puryear.
Chastain.	Ratliff.
Coombes.	Ray.
Crossley.	Reader.
Daniel.	Reed of Bowie.
Dean.	Riddle.
Dunagan.	Roark.
Engelhard.	Roberts.
Fain.	Rogers of Hunt.
Fisher.	Rogers
Fuchs.	of Ochiltree.
Glass.	Rollins.
Golson.	Russell.
Good.	Savage.
Goodman.	Shannon.
Graves.	Shults.
Greathouse.	Smith.
Griffith.	Stinson.
Harris.	Stovall.
Hartzog.	Stubbeman.
Head.	Tarwater.
Hester.	Tennyson.
Hodges.	Thomas.
Holekamp.	Tillery.
Hoskins.	Turlington.
Huddleston.	Van Zandt.
Hughes.	Vaughan.
Hunt.	Wagstaff.
Hunter.	Walker.
Hyder.	Wells.
James.	Winningham.
Jefferson.	Wood.
Jones of Runnels.	Young.
Jones of Shelby.	

Nays—21

Butler.	Mathis.
Camp.	Moore.
Celaya.	Parkhouse.
Clayton.	Patterson.
Davidson.	Pavlica.
Devall.	Reed of Dallas.
Duvall.	Renfro.
Dwyer.	Scarborough.
Ford.	Stanfield.
Hankamer.	Steward.
Kyle of Palo Pinto.	

Absent

Barron.	Johnson
Bradley.	of Anderson.
Caven.	Kayton.
Colson.	Kyle of Hays.
Cowley.	Lemens.
Dunlap.	Leonard.
Harman.	Long.
Harrison.	McDougald.
Hicks.	Metcalf.
Hill.	Mitcham.
Holland.	Moffett.
Holloway.	Morse.
Jackson.	Nicholson.
	Townsend.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

HOUSE BILL NO. 43 ON SECOND READING

On motion of Mr. Latham, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 43, A bill to be entitled "An Act amending Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts Forty-second Legislature, First Called Session, and Chapter 162, Acts, Forty-third Legislature; appropriating the proceeds of the tax derived by the provisions of Article 6032 to the Railroad Commission of Texas for the enforcement of the oil and gas laws of this State, etc."

The Speaker laid the bill before the House, and it was read second time.

Mr. Latham offered the following committee amendment to the bill:

Amend House Bill No. 43 by adding at the end of Section 3 the following:

"Provided the Commission be, and is hereby, expressly authorized and directed to designate some suitable person or persons to perform the services set forth in Article 6005, of said Title 102, and permit such person or persons so designated to collect from the owner or operator of such well, or the owner of the land, compensation for the services so performed, and such person or persons so designated shall perform or cause such services to be performed under the rules and regulations of the Commission."

The amendment was adopted.

Mr. Kayton offered the following amendment to the bill:

Amend House Bill No. 43, page 2, by striking out all after the word "hereby," in line 39, and all of line 40, and all of lines 1, 2, 3, including the figures and words "10 per cent," on page 3, and substituting in lieu thereof the following: "forbidden to revise any salary provided for by Chapter 166, General Laws, passed by the Forty-third Legislature, known as Departmental Appropriation Bill, or pay any additional or added employe at a rate greater than the salary set for similar employes performing similar services in said appropriation bill"; and further amend said section by striking out all of lines 11, 12, 13, 14, and 15, commencing with the word "it," in line 11.

The amendment was adopted.

Mr. Coombes offered the following amendment to the bill:

Amend House Bill No. 43, page 2, lines 18 and 19, by striking out the following "if such funds are sufficient, and otherwise out of the General Revenue."

The amendment was adopted.

Mr. Calvert offered the following amendment to the bill:

Amend House Bill No. 43 by adding at the end of Section 3, page 3, the following:

"If any person, whose salary is paid out of the funds herein provided for, uses his time or a State automobile for campaigning purposes or for the purpose of furthering the candidacy of his employer or any other candidate for State office, he shall be fined not less than \$100 and not more than \$500, and shall be con-

fined in jail for not less than 30 nor more than 90 days."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 43 was then passed to engrossment.

HOUSE BILL NO. 43 ON THIRD READING

Mr. Latham moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson.	Holloway.
Aikin.	Hoskins.
Alexander.	Huddleston.
Anderson.	Hughes.
Atchison.	Hunt.
Baker.	Hunter.
Beck.	Hyder.
Bergman.	Jackson.
Bourne.	James.
Burns.	Jones of Runnels.
Canon.	Jones of Shelby.
Cathey.	Kayton.
Celaya.	Kyle of Hays.
Chastain.	Kyle of Palo Pinto.
Clayton.	Laird.
Colson.	Latham.
Coombes.	Lemens.
Crossley.	Lindsey.
Daniel.	Long.
Dean.	Lotief.
Dunagan.	Magee.
Dwyer.	Mathis.
Fisher.	McCullough.
Ford.	McKee.
Fuchs.	Metcalfe.
Glass.	Mitcham.
Golson.	Moffett.
Good.	Moore.
Goodman.	Morrison.
Greathouse.	Nicholson.
Griffith.	Pavlica.
Hankamer.	Pope.
Harman.	Puryear.
Harris.	Ratliff.
Hartzog.	Ray.
Head.	Reader.
Hester.	Reed of Bowie.
Hicks.	Reed of Dallas.
Hill.	Renfro.
Hodges.	Riddle.
Holekamp.	Roark.
Holland.	Roberts.

Rogers of Hunt.	Tarwater.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Tillery.
Russell.	Turlington.
Shannon.	Van Zandt.
Shults.	Vaughan.
Smith.	Wagstaff.
Stanfield.	Walker.
Steward.	Wells.
Stinson.	Winningham.
Stovall.	Wood.
Stubbeman.	Young.

Nays—6

Barrett.	Fain.
Camp.	Graves.
Devall.	Scarborough.

Absent

Alsup.	Johnson
Barron.	of Anderson.
Bradley.	Lange.
Butler.	Leonard.
Calvert.	Mackay.
Caven.	McDougald.
Cowley.	McGregor.
Davidson.	Merritt.
Dunlap.	Morse.
Duvall.	Munson.
Engelhard.	Parkhouse.
Harrison.	Patterson.
Jefferson.	Savage.
	Townsend.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker laid House Bill No. 43 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—117

Adamson.	Chastain.
Aikin.	Clayton.
Alexander.	Colson.
Alsup.	Coombes.
Anderson.	Crossley.
Atchison.	Daniel.
Baker.	Davidson.
Beck.	Dean.
Bergman.	Devall.
Bourne.	Dunlap.
Burns.	Dunagan.
Butler.	Engelhard.
Canon.	Fisher.
Cathey.	Ford.
Celaya.	Fuchs.

Glass.	Mitcham.
Golson.	Moffett.
Good.	Moore.
Goodman.	Morrison.
Greathouse.	Munson.
Griffith.	Nicholson.
Hankamer.	Pavlica.
Harman.	Pope.
Harris.	Puryear.
Hartzog.	Ratliff.
Head.	Ray.
Hester.	Reader.
Hicks.	Reed of Bowie.
Hill.	Reed of Dallas.
Hodges.	Renfro.
Holekamp.	Riddle.
Holland.	Roark.
Holloway.	Roberts.
Hoskins.	Rogers of Hunt.
Huddleston.	Rogers
Hughes.	of Ochiltree.
Hunt.	Rollins.
Hunter.	Russell.
Hyder.	Savage.
Jackson.	Shannon.
James.	Shults.
Jefferson.	Stanfield.
Johnson	Steward.
of Anderson.	Stinson.
Jones of Runnels.	Stovall.
Jones of Shelby.	Stubbeman.
Kayton.	Tarwater.
Kyle of Hays.	Tennyson.
Kyle of Palo Pinto.	Thomas.
Laird.	Tillery.
Latham.	Turlington.
Lemens.	Van Zandt.
Lindsey.	Vaughan.
Long.	Wagstaff.
Lotief.	Walker.
Magee.	Wells.
Mathis.	Winningham.
McCullough.	Wood.
McGregor.	Young.
McKee.	

Nays—5

Barrett.	Graves.
Camp.	Scarborough.
Fain.	

Absent

Barron.	Mackay.
Bradley.	McDougald.
Calvert.	Merritt.
Caven.	Metcalf.
Cowley.	Morse.
Duvall.	Parkhouse.
Dwyer.	Patterson.
Harrison.	Smith.
Lange.	Townsend.
Leonard.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

MOTION TO TAKE UP HOUSE
BILL NO. 28

Mr. Moore moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 28 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—85

Alexander.	Jefferson.
Alsop.	Jones of Runnels.
Anderson.	Jones of Shelby.
Atchison.	Kayton.
Baker.	Kyle of Palo Pinto.
Barrett.	Laird.
Beck.	Lange.
Bourne.	Lemens.
Burns.	Mackay.
Butler.	Mathis.
Camp.	McCullough.
Canon.	McGregor.
Celaya.	McKee.
Clayton.	Moffett.
Crossley.	Moore.
Daniel.	Munson.
Davidson.	Nicholson.
Dean.	Parkhouse.
Dunagan.	Patterson.
Duvall.	Pavlica.
Engelhard.	Ratliff.
Fisher.	Ray.
Ford.	Reader.
Fuchs.	Reed of Dallas.
Glass.	Renfro.
Golson.	Riddle.
Good.	Roark.
Graves.	Roberts.
Greathouse.	Rogers of Hunt.
Griffith.	Rogers
Hankamer.	of Ochiltree.
Hartzog.	Rollins.
Head.	Russell.
Hester.	Smith.
Hill.	Stanfield.
Holekamp.	Steward.
Holland.	Stinson.
Holloway.	Tarwater.
Hoskins.	Thomas.
Hughes.	Van Zandt.
Hunter.	Wagstaff.
Hyder.	Walker.
Jackson.	Young.
James.	

Nays—22

Adamson.	Huddleston.
Aikin.	Hunt.
Colson.	Lindsey.
Fain.	Lotief.
Goodman.	Magee.
Harman.	Mitcham.

Morrison.	Stovall.
Pope.	Tillery.
Purveyer.	Vaughan.
Reed of Bowie.	Winningham.
Shults.	Wood.

Absent

Barron.	Kyle of Hays.
Bergman.	Latham.
Bradley.	Leonard.
Calvert.	Long.
Cathey.	McDougald.
Caven.	Merritt.
Chastain.	Metcalfe.
Coombes.	Morse.
Cowley.	Savage.
Devall.	Scarborough.
Dunlap.	Shannon.
Dwyer.	Stubbeman.
Harris.	Tennyson.
Harrison.	Townsend.
Hicks.	Turlington.
Hodges.	Wells.
Johnson of Anderson.	

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

HOUSE BILL NO. 49 ON SECOND
READING

On motion of Mr. Hoskins, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 49, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the funds of the State Highway Department; and authorizing payment of said miscellaneous claims on the taking effect of this Act."

The Speaker laid the bill before the House, and it was read second time.

Mr. Engelhard offered the following committee amendment to the bill:

Amend House Bill No. 49, on page 4, of the accounts to be paid out of the General Fund, following the twelve-dollar (\$12) account and preceding the total, the following:

"To pay G. D. Phipps, San Antonio, Texas, Treasury Warrant, payment prohibited by statute of limitations.....\$	50.00
To pay Zeb Henry, Terrell, Texas.....	24.96
To pay Thomas A. Ward, Laredo, Texas, refund of taxes paid in under the Motor Bus Seat Fee Law.....	5,075.00
To pay L. B. Hightower, Liberty, Texas, sheriff fees.....	46.67
To pay C. S. Looney, Cisco, Texas, sheriff fees.....	43.07
To pay Capitol City Realty Company, Fort Worth, Texas, refund of occupation tax.....	750.00
To pay First National Bank in Wellington, Wellington, Texas, sheriff fees of C. E. McKinney.....	756.30
To pay William C. Diamond, Dallas, Texas, refund of penalty paid on delinquent taxes.....	295.38
To pay Mrs. Elizabeth Sheehan, Tom Green County, Texas, for recovery of money held under escheat laws of Texas for administering estate of Patrick Flynn.....	2,176.77
To pay B. J. Bruton, Williamson County, Texas, refund of taxes paid on school lands not subject to taxation by State..	608.08
To pay Mrs. C. C. Parsons, Coleman County, Texas, account taxes on excess acreage assessed in Coleman County, Texas	62.20
To pay G. H. Corn, Baird, Texas, witness fees.....	20.00
To pay Love Kimbrough, Brady, Texas, for expenses incurred in returning fugitive criminal to State of Texas.....	156.87
To pay Firestone Rubber Company refund of overpayment of taxes	139.89"

The amendment was adopted.

Mr. Engelhard offered the following committee amendment to the bill:

(1)

Amend House Bill No. 49, page 4, by striking out the total "\$78,829.28," being that to be paid out of the General Fund and insert in lieu thereof "\$88,364.19."

(2)

Amend House Bill No. 49, page 4, under the accounts to be paid out of the Highway Fund, following the two thousand dollars (\$2,000) account and preceding the total:

"To pay Mrs. R. E. Goddard, Fort Worth, Texas, for damages done to her car, due to negligence of the Highway Department..\$ 30.30
To pay F. M. Altgilt, Jefferson County, Texas, for repairing the Nueces Bridge..... 400.00"

(3)

Amend House Bill No. 49, page 4, by striking out the total "two thousand nine hundred thirty-two dollars and twenty-nine cents (\$2,932.29)," being that to be paid out of the Highway Fund, and insert in lieu thereof "\$3,362.59."

The amendments were severally adopted.

Mr. Engelhard offered the following amendment to the bill:

Amend House Bill No. 49 by inserting in line 19, page 6, the following:

"To pay Maydell School District, Maydell, Texas, refund of back taxes on State property, which is not subject to taxation by the State\$560.08
To pay W. G. Gayle, Live Oak County, Texas, for services rendered as District Attorney of the Thirty-sixth Judicial District for calendar year 1929..... 528.36
To pay Len Irvin, Alton, Texas, sheriff fees..... 360.60
To pay Jake Little, Rosebud, Texas, witness fees..... 6.72"

The amendment was adopted.

Mr. Engelhard offered the following amendment to the bill:

Amend House Bill No. 49 as follows: On page 5, line 22, strike out "\$1,794.71," and insert in lieu thereof "\$588.06."

The amendment was adopted.

Mr. Mitcham offered the following amendment to the bill:

Amend House Bill No. 49 by adding the following:

"To pay M. Pepins Kemp, Henderson County, Texas, \$44.40 for loss sustained by fire spread by CWA workers."

The amendment was lost.

Mr. Coombes offered the following amendment to the bill:

Amend House Bill No. 49 by adding the following:

"To pay any judgments for the recovery of escheated estates, \$10,000.00."

On motion of Mr. Lotief, the amendment was tabled.

Mr. Engelhard offered the following amendment to the bill:

Amend House Bill No. 49 by changing totals to conform to the amendments adopted to the bill.

The amendment was adopted.

House Bill No. 49 was then passed to engrossment.

HOUSE BILL NO. 49 ON THIRD READING

Mr. Engelhard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Aikin.	Atchison.
Alexander.	Baker.
Alsup.	Bourne.
Anderson.	Burns.

Butler.	Lemens.
Calvert.	Leonard.
Canon.	Lindsey.
Cathey.	Long.
Celaya.	Lotief.
Chastain.	Magee.
Clayton.	McCullough.
Colson.	McGregor.
Coombes.	McKee.
Cowley.	Metcalfe.
Daniel.	Moffett.
Davidson.	Moore.
Dean.	Morrison.
Devall.	Munson.
Dunagan.	Parkhouse.
Duvall.	Patterson.
Dwyer.	Pavlica.
Engelhard.	Pope.
Fain.	Puryear.
Fisher.	Ratliff.
Fuchs.	Ray.
Glass.	Reader.
Golson.	Reed of Dallas.
Good.	Renfro.
Goodman.	Riddle.
Graves.	Roark.
Griffith.	Roberts.
Hankamer.	Rogers of Hunt.
Harman.	Rollins.
Harris.	Russell.
Hartzog.	Savage.
Head.	Scarborough.
Hill.	Shannon.
Hodges.	Shults.
Holekamp.	Smith.
Hoskins.	Stanfield.
Hughes.	Steward.
Hunt.	Stovall.
Hunter.	Stubbsman.
Hyder.	Tarwater.
Jackson.	Thomas.
James.	Tillery.
Jefferson.	Turlington.
Jones of Runnels.	Van Zandt.
Jones of Shelby.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Latham.	Young.

Nays—4

Camp.	Reed of Bowie.
Mitcham.	Vaughan.

Present—Not Voting

Crossley.

Absent

Adamson.	Harrison.
Barrett.	Hester.
Barron.	Hicks.
Beck.	Holland.
Bergman.	Holloway.
Bradley.	Huddleston.
Caven.	Johnson
Dunlap.	of Anderson.
Ford.	Kayton.
Greathouse.	Kyle of Hays.

Laird.	Rogers
Lange.	of Ochiltree.
Mackay.	Stinson.
Mathis.	Tennyson.
McDougald.	Townsend.
Merritt.	Wells.
Morse.	Winningham.
Nicholson.	Wood.

Absent—Excused

Bedford.	Palmer.
Johnson	Ramsey.
of Dimmit.	Scott.
Jones of Atascosa.	Weinert.

The Speaker laid House Bill No. 49 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 104 ON SECOND READING

On motion of Mr. Dunagan, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 104, A bill to be entitled "An Act amending Article 879-b, of Chapter 6, Title 13, Revised Penal Code of Texas, 1925, etc., providing an open season or period of time when it shall be lawful to hunt, take, or kill wild quail of all kinds, wild Mexican pheasants or chachalaca in the north zone, as such zone is defined in Article 878 of the Revised Penal Code; etc."

The Speaker laid the bill before the House, and it was read second time.

Mr. Metcalfe offered the following amendment to the bill:

Amend House Bill No. 104, page 1, by striking out of lines 28 and 29 the words and figures, "the last Thursday in November to January 16," and insert in lieu thereof the following: "November 24 to January 8."

METCALFE,
HODGES.

The amendment was lost.

Mr. Mitcham offered the following amendment to the bill:

Amend House Bill No. 104, page 1, by inserting after the word "inclusive" the following: "The open season of mourning doves shall run concurrent with that of quail."

Mr. Hyder raised a point of order on further consideration of the

amendment, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Winningham offered the following amendment to the bill:

Amend House Bill No. 104 by striking out "January 16," in line 29, and insert in lieu thereof "January 1."

Question—Shall the amendment by Mr. Winningham be adopted?

NOTICE GIVEN

Mr. Morrison gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 130, which bill had heretofore been laid on the table subject to call.

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following messages from the Governor:

Executive Office,
Austin, Texas, February 20, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Parr and Representative Celaya, I am submitting herewith for your consideration a bill to be entitled "An Act declaring it to be the policy of the State of Texas to provide for the standardization of certain vegetables as a protection to grower, shipper, carrier, and consumer; placing the jurisdiction of grades and classifications thereof under the direction of the Commissioner of Agriculture of the State of Texas; etc."

At the request of Senator Parr and Representative Celaya, I am submitting herewith for your consideration a bill to be entitled "An Act relating to agriculture and agricultural products; providing for investigations of the business and affairs of wholesale purchasers thereof, whether under contracts or otherwise; and for licensing and bonding and regulating dealers in such products; etc."

At the request of Representative Butler, I am submitting herewith for your consideration a bill to be entitled "An Act changing the open season on dove and quail to open November

15 to January 16, inclusive, in Brazos County, Texas; repealing all laws in conflict herewith, and declaring an emergency."

At the request of Representatives Palmer and Steward, I am submitting herewith for your consideration a bill to be entitled "An Act validating the consolidation proceedings consolidating Buffalo Independent School District, of Leon County, and Concord Common School District No. 41, and Martin Common School District No. 8, of Freestone County; etc., and declaring an emergency."

Respectfully,

MIRIAM A. FERGUSON,
Governor.

Executive Office,
Austin, Texas, February 20, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representative Hyder, I am submitting herewith for your consideration a bill to be entitled "An Act to amend Section 1, Chapter 90, House Bill No. 610, Special Laws of the Forty-second Legislature, Acts of the Regular Session, as amended by Section 1, Chapter 33, House Bill No. 236, Special Laws of the Regular Session of the Forty-third Legislature, and declaring an emergency."

At the request of Senator Rawlings, I am submitting herewith for your consideration a bill to be entitled "An Act to amend Article 1283, Title 30, Revised Civil Statutes of 1925, prescribing the conditions and amounts of bonds to be given by live stock commission merchants, and providing for notice of cancellation of such bonds, and declaring an emergency."

At the request of Representative Greathouse and others, I am submitting herewith for your consideration a bill to be entitled "An Act fixing a limitation period of two years for the bringing of suits of any kind on account of the closing and abandonment of public streets or alleys or public roads or thoroughfares, or any parts thereof, other than State highways, by ordinance of the governing body of a city or town or by order of the commissioners court of a county; etc., and declaring an emergency."

At the request of Senator Sanderford, I am submitting herewith for your consideration a bill to be entitled "An Act authorizing W. B. Cross, of Travis County, Texas, as innocent purchaser of deficiency certificates Nos. 1205, 1320, and 1395, issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates; etc., and declaring an emergency."

Respectfully,

MIRIAM A. FERGUSON,
Governor.

Executive Office,
Austin, Texas, February 20, 1934.

To the Forty-third Legislature in
Second Called Session:

At the request of the State Auditor and Efficiency Expert, I am submitting herewith, for your consideration, a bill to be entitled "An Act creating the office of securities consulting officer of the Board of Education for the purpose of assisting the Board of Education in the carrying out of its duties in investment of the Permanent School Fund; prescribing the duties of the securities consulting officer and his assistants; amending Articles 2669 and 2673, Revised Civil Statutes, 1925; making appropriation for the carrying out of the provisions of this Act, and declaring an emergency."

Respectfully,

MIRIAM A. FERGUSON,
Governor.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Greathouse, Mr. Duvall, Mr. Patterson, Mr. Renfro, and Mr. Shannon:

H. B. No. 158, A bill to be entitled "An Act fixing a limitation period of two years for the bringing of suits of any kind on account of the closing and abandonment of public streets or alleys or public roads or thoroughfares, or any parts thereof, other than State highways, by ordinance of the governing body of a city or town or by order of the com-

missioners court of a county; etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Hyder:

H. B. No. 159, A bill to be entitled "An Act to amend Section 1, Chapter 90, House Bill No. 610 (relating to seining in certain counties during the months of July, August, September, and October); etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

ADJOURNMENT

Mr. Alsup moved that the House adjourn until 10 o'clock a. m., tomorrow.

Mr. Hoskins moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Metcalfe moved that the House recess to 9 o'clock a. m., tomorrow.

The motion of Mr. Alsup prevailed, and the House, accordingly, at 5:40 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Conservation and Reclamation: House Bill No. 146.

Game and Fisheries: House Bills Nos. 141 and 148.

Municipal and Private Corporations: House Bill No. 111.

Labor: House Bills Nos. 83 and 140.

Judiciary: House Bills Nos. 41, 82, and 98.

Constitutional Amendments: House Joint Resolution No. 2.

Highways and Motor Traffic: House Bill No. 72.

The Committee on Revenue and Taxation filed and adverse report on House Bill No. 25.

The Committee on Revenue and Taxation filed adverse reports, with minority favorable reports, on House Bills Nos. 151 and 139.

REPORT OF THE COMMITTEE ON
ENGROSSED BILLS

Committee Room,
Austin, Texas, February 19, 1934.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 28, A bill to be entitled
"An Act amending Sections 1, 2, 4,
5, 6, 8, 9, and 12, of Chapter 241,
Acts of the Regular Session, Forty-
third Legislature, page 845, and
further amending Chapter 241, Acts,
Regular Session, Forty-third Legisla-
ture, page 843, by adding a new Sec-
tion to said Act, to be designated and
styled as Section 17-b, which new
Section vests and empowers the Com-
missioner of Labor with the power to
promulgate all necessary rules; etc.,"

Has carefully compared same, and
finds it correctly engrossed.

HYDER, Vice-Chairman.

FOURTEENTH DAY

(Wednesday, February 21, 1934)

The House met at 10 o'clock a.
m., pursuant to adjournment, and was
called to order by Speaker Stevenson.

The roll was called, and the follow-
ing Members were present:

Mr. Speaker.	Davidson.
Adamson.	Dean.
Aikin.	Devall.
Alexander.	Dunlap.
Alsup.	Dunagan.
Anderson.	Duvall.
Atchison.	Dwyer.
Baker.	Engelhard.
Barrett.	Fain.
Beck.	Fisher.
Bergman.	Ford.
Bourne.	Fuchs.
Bradley.	Glass.
Burns.	Golson.
Butler.	Good.
Calvert.	Goodman.
Camp.	Graves.
Canon.	Greathouse.
Cathey.	Griffith.
Caven.	Hankamer.
Celaya.	Harman.
Chastain.	Harris.
Clayton.	Hartzog.
Coombes.	Head.
Cowley.	Hester.
Crossley.	Hicks.
Daniel.	Hill.

Hodges.	Nicholson.
Holekamp.	Parkhouse.
Holland.	Patterson.
Holloway.	Pavlica.
Hoskins.	Pope.
Huddleston.	Puryear.
Hughes.	Ratliff.
Hunt.	Ray.
Hunter.	Reader.
Hyder.	Reed of Bowie.
Jackson.	Reed of Dallas.
James.	Renfro.
Jefferson.	Riddle.
Johnson	Roark.
of Anderson.	Roberts.
Jones of Runnels.	Rogers of Hunt.
Jones of Shelby.	Rogers
Kayton.	of Ochiltree.
Kyle of Hays.	Rollins.
Kyle of Palo Pinto.	Russell.
Laird.	Savage.
Lange.	Scarborough.
Latham.	Shannon.
Lemens.	Shults.
Leonard.	Stanfield.
Lindsey.	Steward.
Long.	Stinson.
Lotief.	Stovall.
Mackay.	Stubbeman.
Magee.	Tarwater.
Mathis.	Tennyson.
McCullough.	Thomas.
McGregor.	Tillery.
McKee.	Turlington.
Merritt.	Van Zandt.
Metcalfe.	Vaughan.
Mitcham.	Wagstaff.
Moffett.	Walker.
Moore.	Wells.
Morrison.	Winningham.
Morse.	Wood.
Munson.	Young.

Absent

Colson.	Ramsey.
Harrison.	

Absent—Excused

Barron.	Palmer.
Bedford.	Scott.
Johnson	Smith.
of Dimmit.	Townsend.
Jones of Atascosa.	Weinert.
McDougald.	

A quorum was announced present.
Prayer was offered by Rev. Geo. W.
Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were
granted leaves of absence on account
of important business:

Mr. Palmer for today, on motion of
Mr. Butler.